

**PLANNING COMMISSION AGENDA
REGULAR MEETING
MONDAY, MAY 16, 2016**

STUDY SESSION: 4:30 P.M. - CITY COUNCIL CHAMBERS
MEETING: 5:00 P.M. - CITY COUNCIL CHAMBERS

1. Call to Order.
2. Roll Call.
3. Dispense with the reading and approve the minutes of the April 18, 2016, Regular Meeting as prepared.
4. Consider an amendment to the City of Fremont Comprehensive Plan, particularly amendments to the Future Land Use Plan.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
5. Consider a request of RML Investments, Inc., owner of approximately 7,800 square feet located at 1820 W 23rd St., for approval of a Zoning Change from R-2 Moderate-Density Residential to LI Limited Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
6. Consider a request of Rodger & Debra Menn, owners of approximately 40.0 acres located at 361 W. Co. Rd. T, for approval of a Zoning Change from AG Agricultural to LI Limited Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
7. Consider a request of Lilyan Scheinost, owner of approximately 16.9 acres located at 2284 Morningside Rd., for approval of a Zoning Change from AG Agricultural and GI General Industrial to LI Limited Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
8. Consider a request of Lilyan Scheinost, owner of approximately 16.9 acres located at 2284 Morningside Rd., for approval of a Final Plat to be known as Morningside Industrial Park, Dodge County, Nebraska.

- Staff report and presentation
 - Recommendation
9. Consider a request of Yager Retail LLC, on behalf of Yager Group, LLC, owner of approximately 2.5 acres located at 1220 E 23rd St., for approval of a Final Plat to be known as Yager Place Subdivision Replat, Dodge County, Nebraska.
- Staff report and presentation
 - Recommendation
10. Consider a request of BNE Construction, owner of approximately 1.1 acres located at 1858 W 23rd St., for approval of a Final Plat to be known as Seaton Subdivision 2nd Replat, Dodge County, Nebraska.
- Staff report and presentation
 - Recommendation
11. Review and consider amendments to Article 6 of the draft Unified Development Ordinance.
12. Adjournment.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

**PLANNING COMMISSION MINUTES
REGULAR MEETING
APRIL 18, 2016 – 5:00 PM**

PRESENT: Chairman, Dev Sookram, Commissioners, Brad Fooker, Marty Gifford, Carl Nielsen, Mitch Sawyer, Brian Wiese, and Tom Winter, and Planning Director, Troy Anderson

ABSENT: Commissioner, Amber Barton.

1. Call to Order. Chairman Sookram called the meeting to order at 5:00 p.m.
2. Roll Call. A roll call showed seven (7) members present and one (1) absent with one (1) seat unassigned – a quorum was established.

Chairman Sookram then read the following statement: This meeting was preceded by publicized notice in the Fremont Tribune, the agenda displayed in the lobby of the Municipal Building and posted online at www.fremontne.gov in accordance with the Nebraska open meetings act, a copy of which is posted continually in the council chambers for public inspection and said meeting is open to the public. A copy of the agenda was also kept continually current and available to the public in the principle office of the Department of Planning, 400 East Military Avenue. The Planning Commission reserves the right to adjust the order of items on this agenda. This meeting is hereby declared to be duly convened and in open session.

3. Minutes of the March 21, 2016, Regular Meeting.

Chairman Sookram read the item into the record. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Sawyer, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

4. Minutes of the March 22, 2016, Special Meeting.

Chairman Sookram read the item into the record. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Gifford, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

5. Consider an amendment to the City of Fremont Comprehensive Plan, particularly amendments to the Future Land Use Plan.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Melissa Ball, 2390 W Military Ave., presented a petition of neighboring property owners opposed to

the future land use designation of industrial along W Military Ave. between Ridge Rd. and Business Park Dr. Marlin Brabec, address unknown, opposed future land use designation of commercial along Hwy 30, E Military Ave., and E Morningside Rd., east of Hwy 275. Brabec also suggested that properties north and west of town will not develop as residential. Rob George, 1941 E 16th St., questioned the airport designation without knowing exactly what uses were going to be permitted in the new Unified Development Code. Bill Strong, address unknown, opposed industrial uses near Isaak Walton Lakes and suggested that a better location for industrial uses would be South of Hormel. Sandra Cadwallader, 2494 W Military Ave., opposed future land use designation of industrial along W Military Ave. Dan Martinez, 125 N Clarmar Ave., asked the Commission to reconsider the future land use designation west of N Broad St. between Judy Dr., and the Fremont Golf Club. Bill Sellhorst, 603 S Downing St., opposed future land use designation of industrial in the area of Downing St. Richard Waage, 1749 Old Hwy 8, opposed future land use designation of industrial along E Morningside Rd. between Old Highway 8 and Luther Rd.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Winter, and seconded by Commissioner Wiese, to return the item to the Future Land Use Evaluation Subcommittee for reconsideration. A roll call vote showed six (6) members voting aye, one (1) member, Commissioner Fooker, voting nay – the motion carried.

6. Consider an amendment to Fremont Zoning Ordinance No. 3939 subsection 303.b. pertaining to the definition of Crop Production to include temporary grain ground storage pile(s).

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Steve Dodd argued that it was a stretch to call temporary grain ground storage piles, crop production.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Sawyer, to recommend approval of the Ordinance Amendment. A roll call vote showed all members present voting aye – the motion carried unanimously.

7. Consider a request of Interstate Commodities, Inc., on behalf of Frontier Cooperative, owner of approximately 20.2 acres located at 549 E. Co. Rd. T, for approval of a Zoning Change from AG Agricultural to GI General Industrial.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Curtis Gregg, representative of the applicant, agreed with Staff that if the ordinance amendment previously considered, passes, then a zoning change is not required.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Gifford, and seconded by none, to recommend disapproval of the Zoning Change. The motion died for lack of a second.

Hearing no other motions, the request died for lack of a motion.

8. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of MYKO, Inc., owner of approximately 2.2 acres located at 3000 N Co. Rd. 20, for approval of a Zoning Change from GI General Industrial to LI Limited Industrial

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Steve Dodd, applicant and agent for the owner, introduced himself and offered to answer any questions that the Commission or public may have. Alex Brown, representative of the owner, introduced himself and elaborated on the request that the zoning change would allow for maximization of the site, and was also available to answer questions.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Wiese, and seconded by Commissioner Winter, to recommend approval of the Zoning Change. A roll call vote showed five (5) members present voting aye, two (2) members, Chairman Sookram and Commissioner Fooker, voting nay – the motion carried.

9. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Donald & Connie Mahrt, owners of approximately 4.2 acres located at 1804 Old Highway 8, for approval of a Zoning Change from R-4 High-Density Residential to GI General Industrial.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Steve Dodd, applicant and agent for the owner, introduced himself and offered to answer any questions that the Commission or public may have. Gary White, 1980 Morningside Rd., suggested that the property should remain residential. Charlene Vecchi, 588 S Downing St., expressed concerns over zoning and impact on well water, truck traffic, and children in the area. Bill Galbraith, address unknown, opposed the request. Richard Waage, 1749 Old Hwy 8, opposed the request. Theresa Muhle, 1127 Deer Park Ct., opposed the request.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Winter, and seconded by none, to recommend disapproval of the Zoning Change. The motion died for lack of a second.

Hearing no other motions, the request died for lack of a motion.

10. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Donald & Connie Mahrt, owners of approximately 9.0 acres located at 1804 Old Highway 8, for approval of a Final Plat to be known as Sawyer Industrial Park, Dodge County, Nebraska.

Planning Director, Troy Anderson read Staff's Report.

Steve Dodd, applicant and agent for the owner, introduced himself and offered to answer any questions that the Commission or public may have.

Gary White, 1981 Morningside Rd., asked to approach the Commission, and Chairman Sookram allowed it. Mr. White then proceeded to recommend that the property remain residential.

Sookram thanked Mr. White and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Nielsen, to recommend approval of the Final Plat. A roll call vote showed six (6) members voting aye, one (1) member, Commissioner Sawyer, abstaining – the motion carried.

11. Consider a request of RML Investments, Inc., owner of approximately 7,800 square feet located at 1820 W 23rd St., for approval of a Zoning Change from R-2 Moderate-Density Residential to LI Limited Industrial.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Dan Martinez, agent for the owner, introduced himself and offered to answer any questions that the Commission or public may have. Ronn Winquest, representative of the owner, explained that the request would allow for expansion of the existing use. Ashley Thomas, 2325 Seaton Ave., opposed the request.

Martinez then asked the Commission to consider continuing the request until such time as the Future Land Use Map is reconsidered by the Future Land Use Plan Subcommittee and is reconsidered by the Commission.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Gifford, and seconded by Commissioner Nielsen, to continue the request. A roll call vote showed all members present voting aye – the motion carried unanimously.

12. Consider a request of RML Investments, Inc., owner of approximately 2.4 acres located at 1820 W 23rd St., for approval of a Final Plat to be known as Seaton Subdivision Replat, Dodge County, Nebraska.

Planning Director, Troy Anderson read Staff's Report.

Sookram opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Sawyer, to recommend approval of the Final Plat. A roll call vote showed all members present voting aye – the motion carried unanimously.

13. Consider a request of Ciera Mruz, on behalf of Jeremy Mruz, owner of approximately 8,100 square feet located at 2530 Idaho Ave., for approval of a Conditional Use Permit for Day Care (General).

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing.

Hearing none, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Sawyer, and seconded by Commissioner Wiese, to recommend approval of the Conditional Use Permit. A roll call vote showed all members present voting aye – the motion carried unanimously.

14. Adjournment. Hearing no further business, Chairman Sookram adjourned the meeting at approximately 6:17 p.m.

APPROVED:

Dev Sookram, Chairman

ATTEST:

Troy Anderson, Planning Director

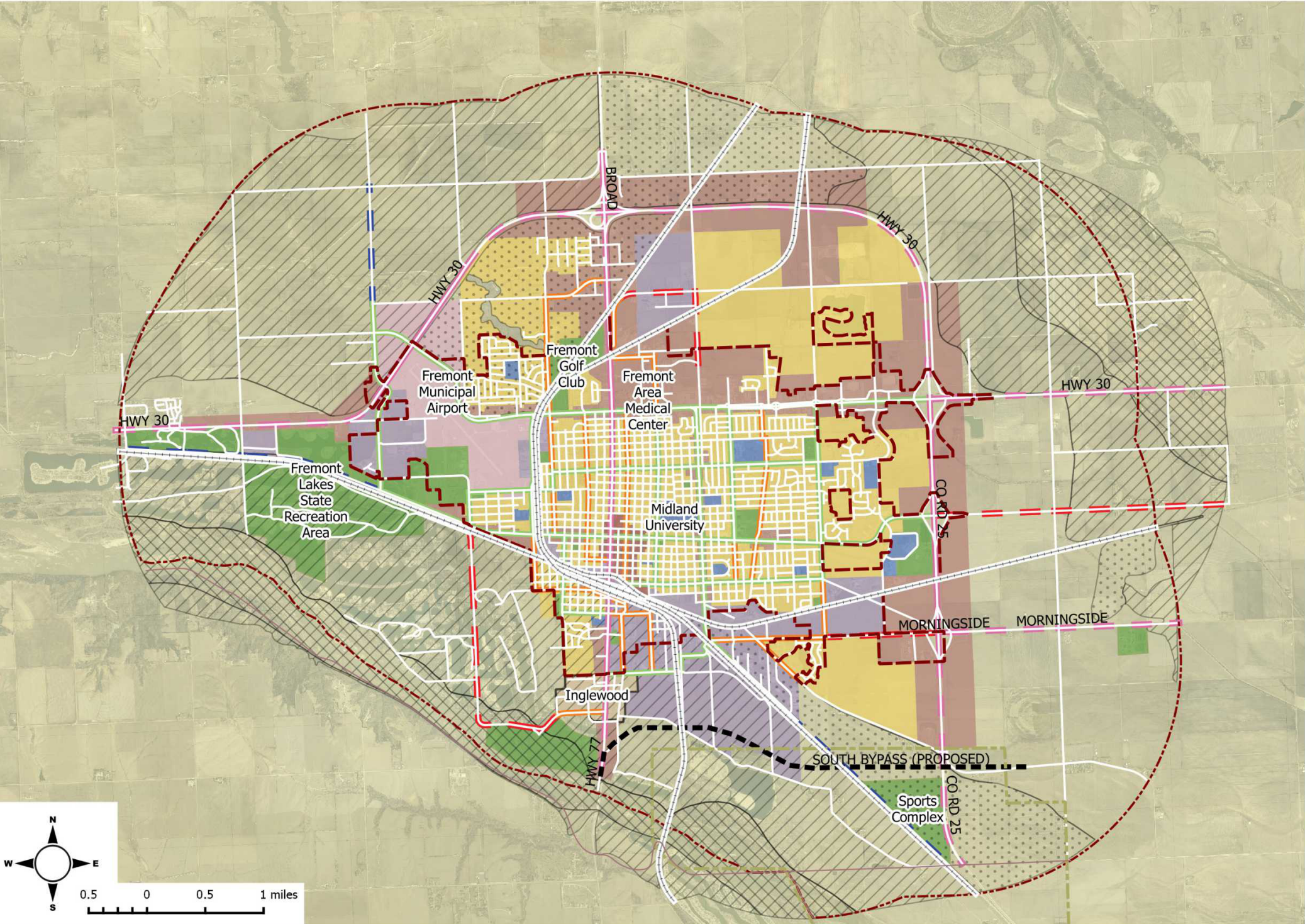
Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Comprehensive Plan Amendment – Future Land Use Plan

Background: On December 21, 2015, a subcommittee of the Planning Commission was formed to evaluate the Future Land Use Plan. The subcommittee met on three different occasions: February 9, 2016, March 8, 2016, and March 29, 2016, and prepared a revised Future Land Use Map, for the review and consideration of the Commission.

On April 18, 2016, the Planning Commission heard feedback from the community regarding the revised Future Land Use Map. The Commission then recommended that the Subcommittee reconvene and consider community feedback before returning with a recommendation. The Subcommittee met on May 5, 2016, discussed community feedback and made some revisions to the Future Land Use Map. Attached hereto and incorporated herein, for review and consideration of the Commission, is the latest revision to the Future Land Use Map being recommended by the Future Land Use Plan Evaluation Subcommittee.

Fiscal Impact: N/A



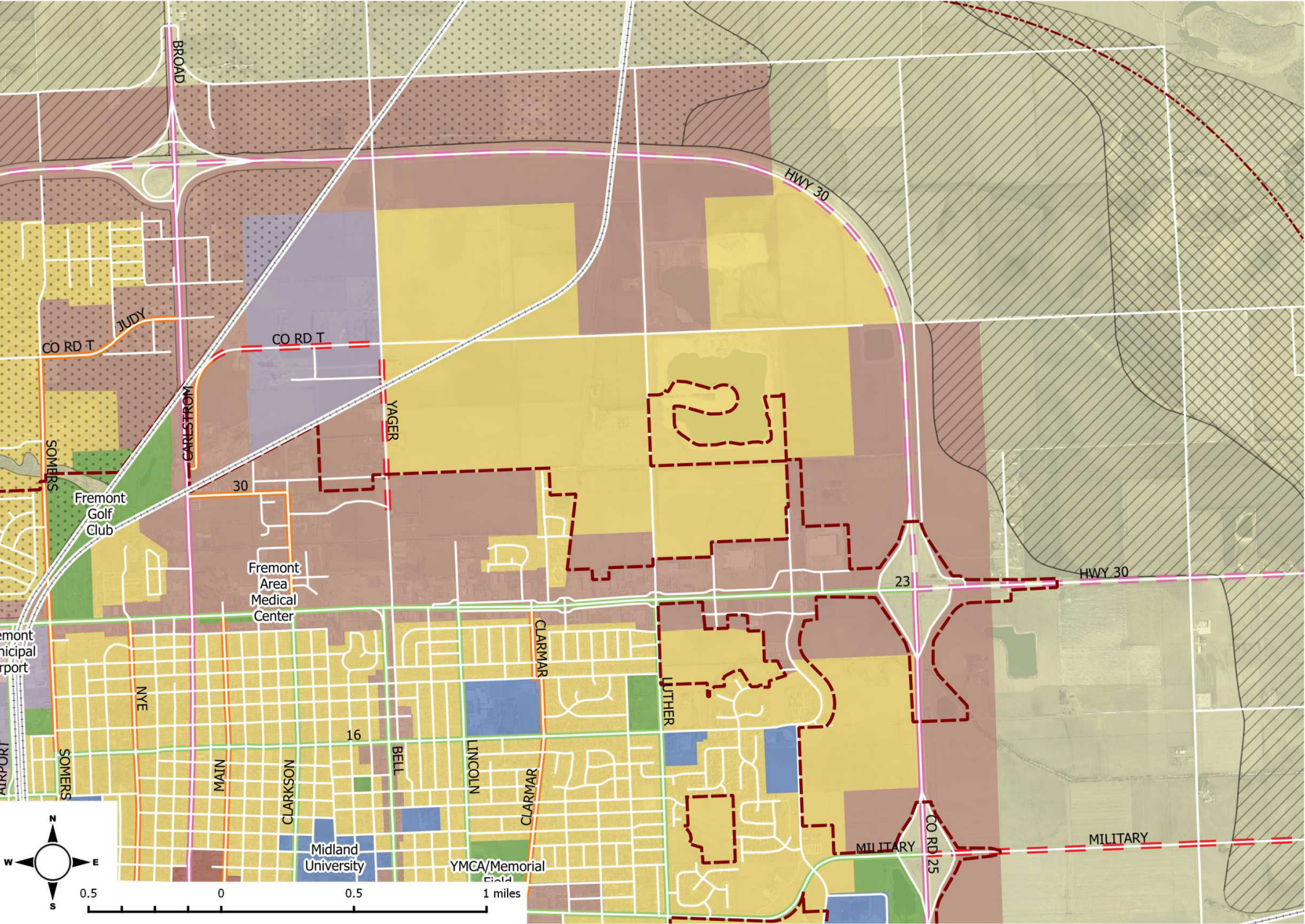
Map Legend

- City Limits
- Inglewood
- Railroad
- Wellhead Protection Area
- Floodplain**
 - 100 -Year Floodway
 - Zone AE
 - Zone AO-2
- Future Land Use**
 - Rural
 - Residential
 - Commercial
 - Industrial
 - Parks and Open Space
 - Institutional/Campus/University
 - Aviation/Airport
 - Downtown (Urban)

Zone AE: Areas with a 1% annual chance of flooding

Zone AO-2: Areas with a 1% or greater annual chance of shallow flooding

* The boundaries of the floodplain are for representative purposes only. Refer to the Flood Insurance Rate Map (FIRM) for specific information.



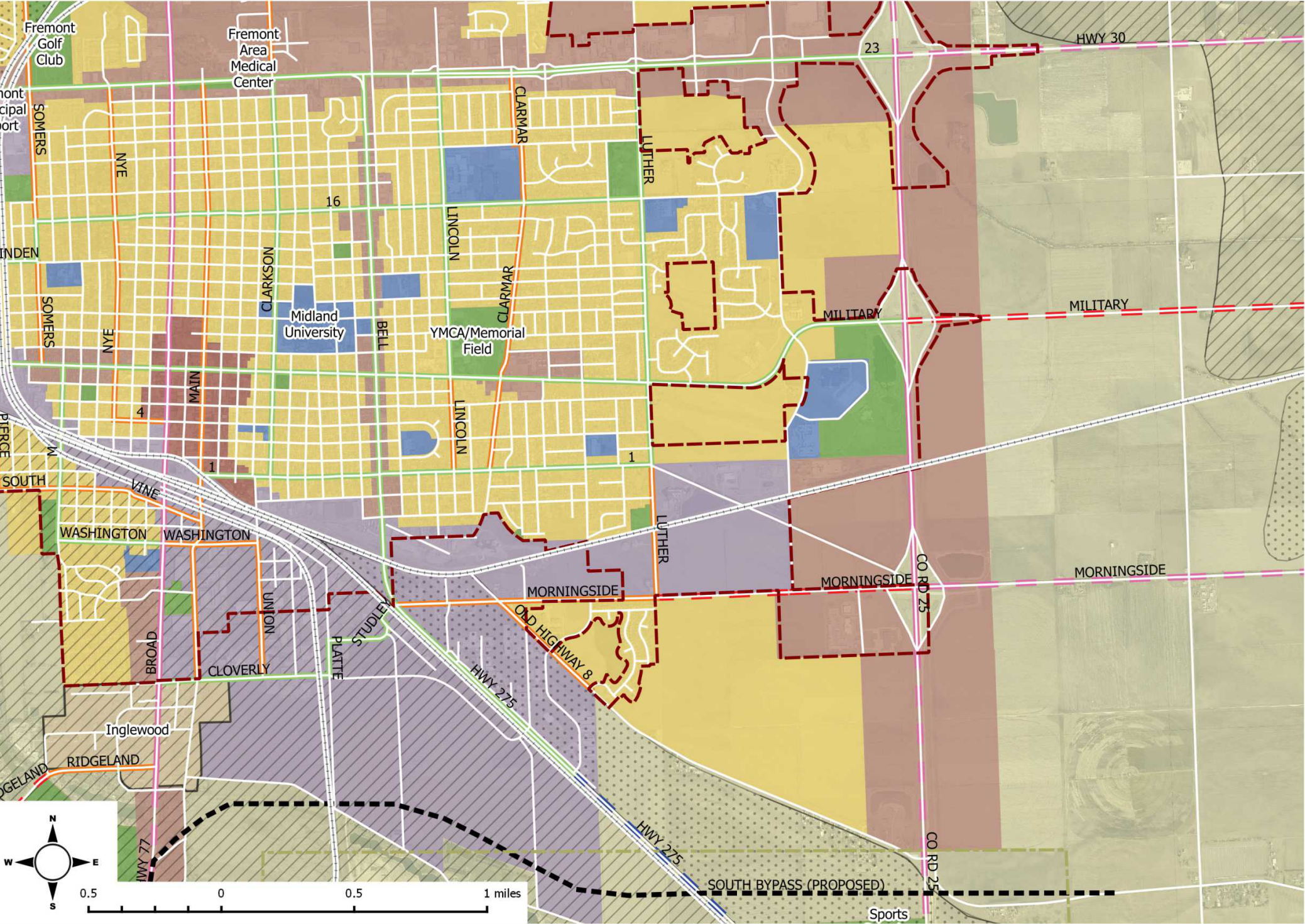
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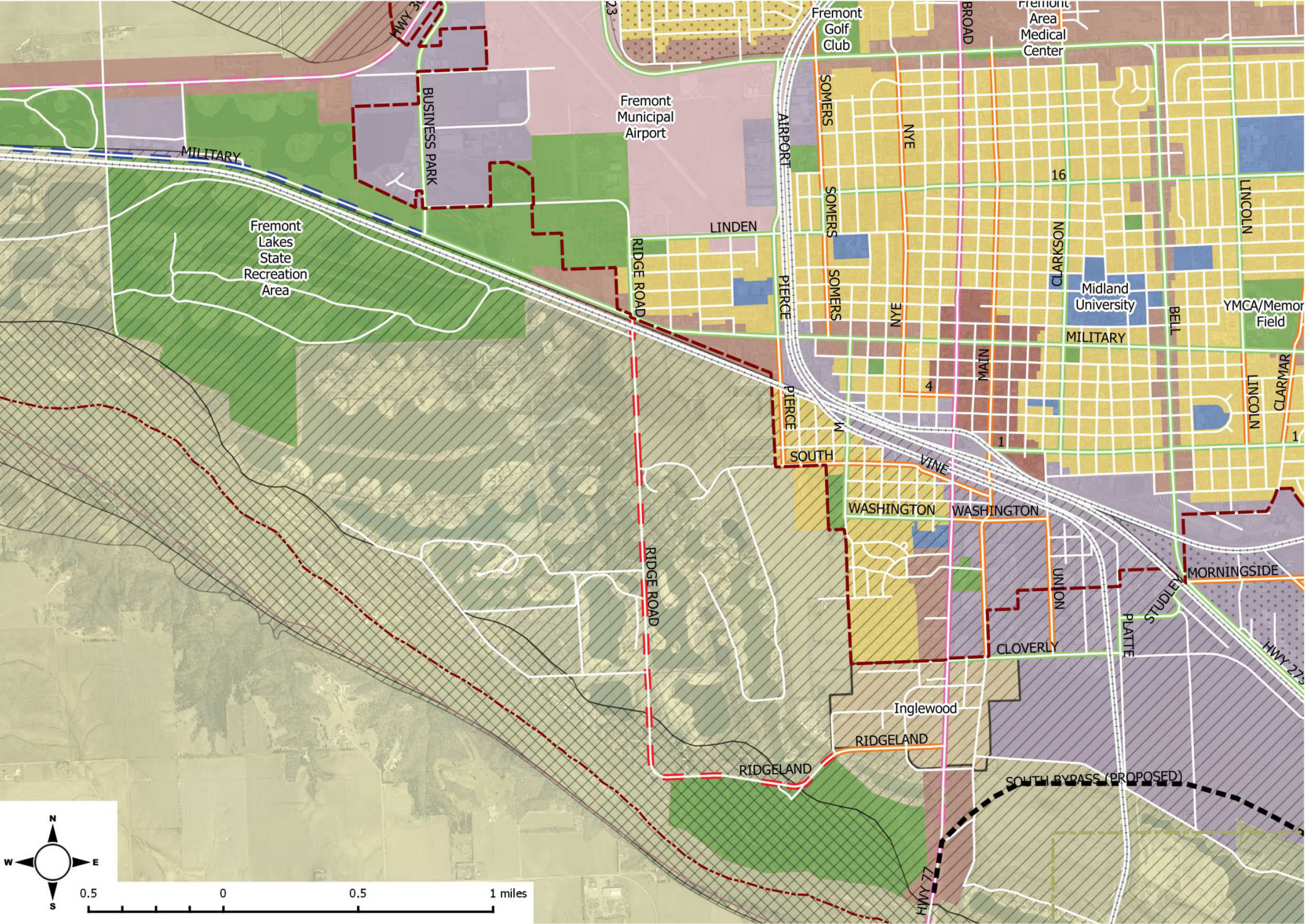
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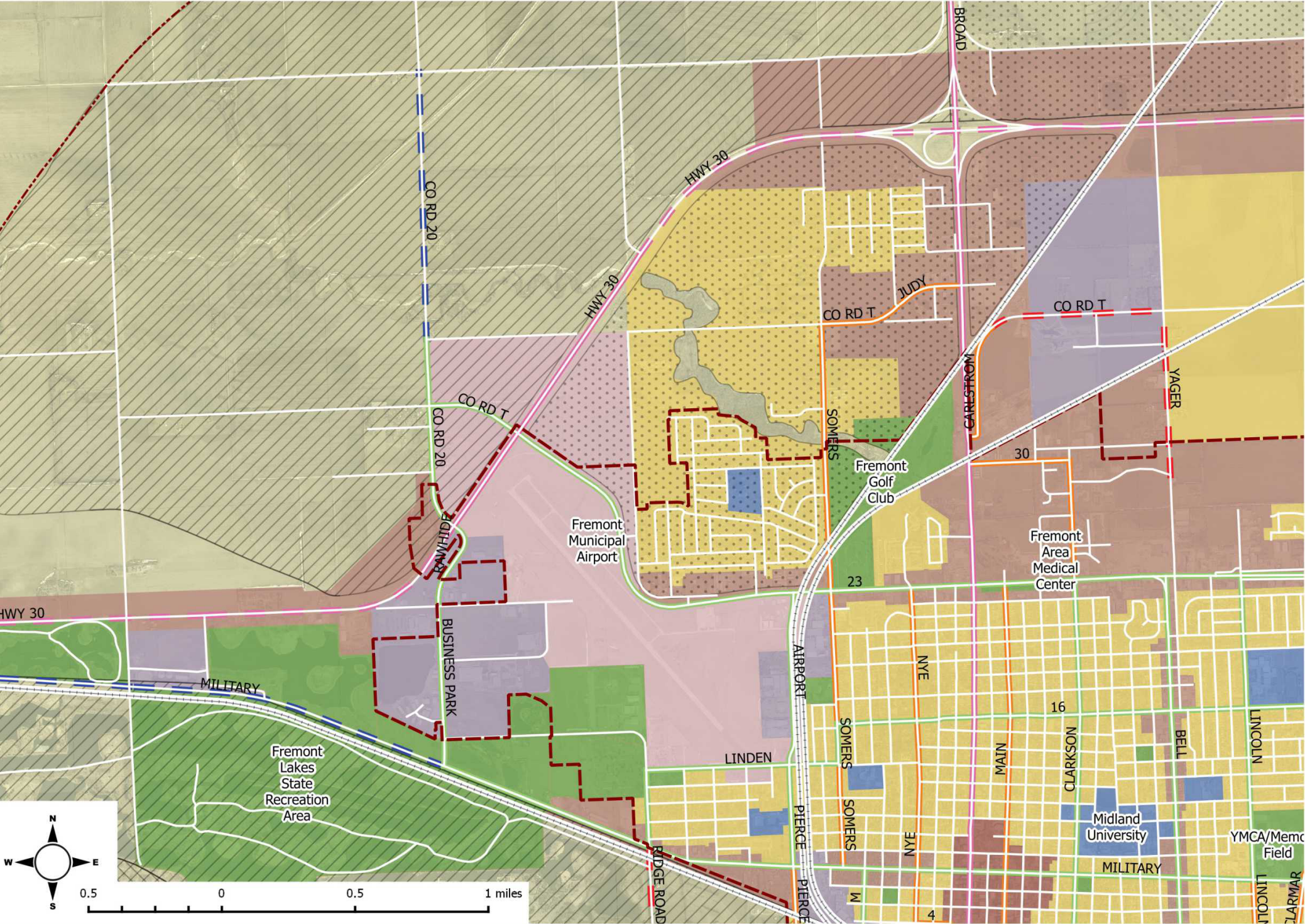
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Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Zoning Change – 1820 W 23rd St.

Background: The owner of approximately 7,800 square feet located at 1820 W 23rd St., RML Investments, Inc., is requesting approval of a zoning change from R-2 Moderate-Density Residential to LI Limited Industrial. The reason for the request is to expand industrial use of the property.

The subject property is located along the west side of Seaton Ave., between W. 23rd St. and Ohio St. Property to the north, is zoned R-2 Moderate-Density Residential, is vacant/undeveloped, and is listed as real property; property to the east is zoned partially R-2 Moderate-Density Residential and partially LI Limited Industrial, consists of a church, and is listed as real property; property to the south is zoned LI Limited Industrial, consists of a residence, and is listed as residential; and property to the west is zoned LI Limited Industrial, consists of a storage garage, a light commercial utility building, and mini-warehouses, and is listed as commercial. The subject property is currently vacant/undeveloped.

The active Future Land Use Plan identifies the subject property as Auto-Urban Commercial. Limited Industrial would therefore be contrary to the active City's Comprehensive Plan for Future Land Use and Character.

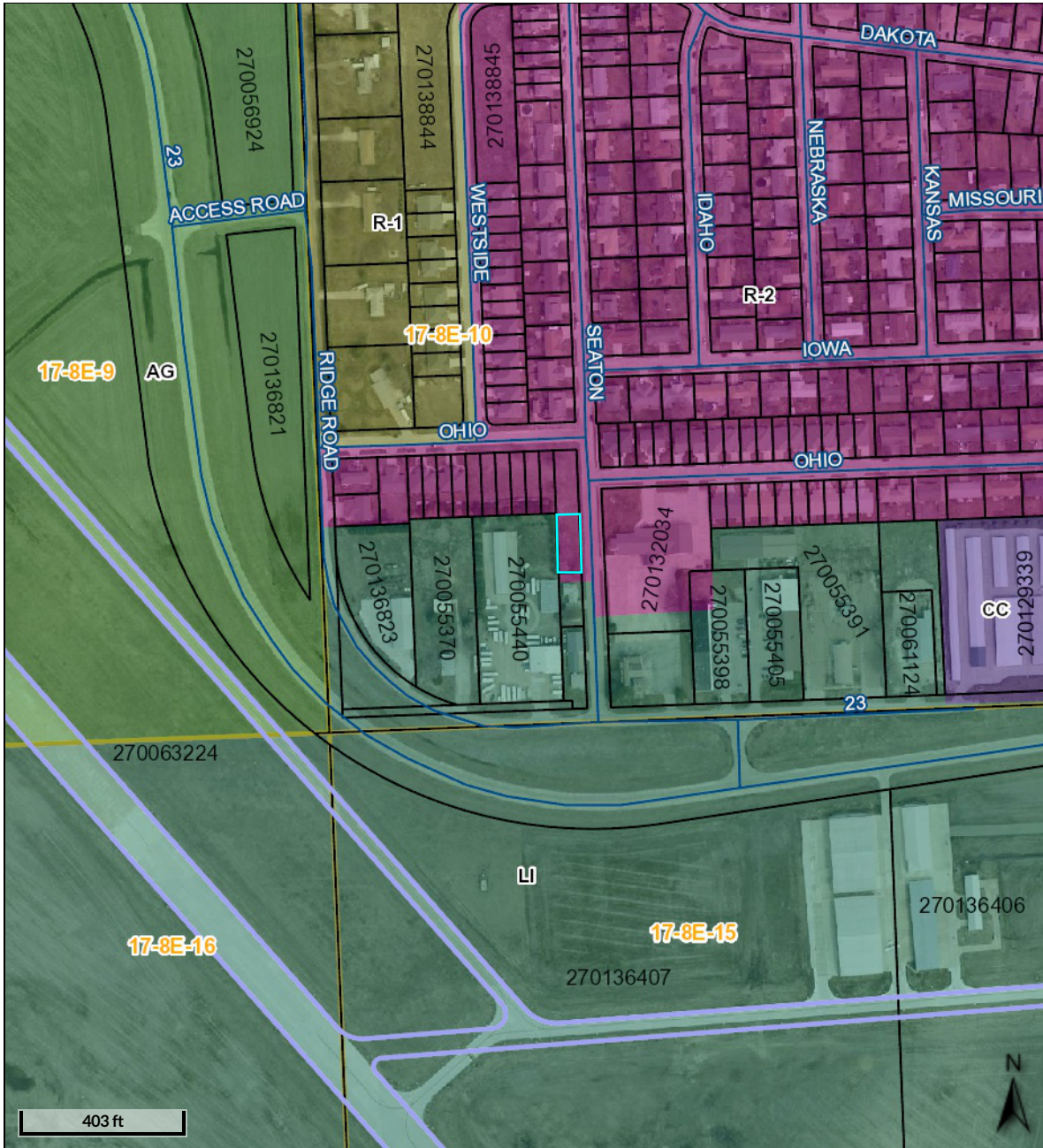
This item was continued at the April 18, 2016, Planning Commission meeting until such time as the Future Land Use Map is reconsidered by the Future Land Use Plan Evaluation Subcommittee and subsequently reconsidered by the Commission. The pending Future Land Use Plan remains unchanged and identifies the subject property as Commercial.

Fiscal Impact: N/A



Beacon™

Dodge County, NE



Overview



Legend

Highways

<all other values>

I

LS

N

R

US

Parcels

Sections

Airport

Streets

Zoning

<all other values>

AG

CC

CC/PD

DC

GC

GI

LI

MU

MU / TND

R-1

R-2

R-2/NC

R-3

R-4

R-5

RR

UC

UC/SC

UNKNOWN

Date created: 4/15/2016



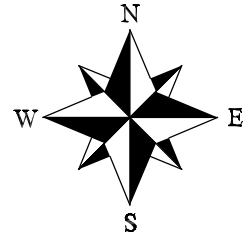
Developed by
The Schneider Corporation

PROPOSED ZONING CHANGE

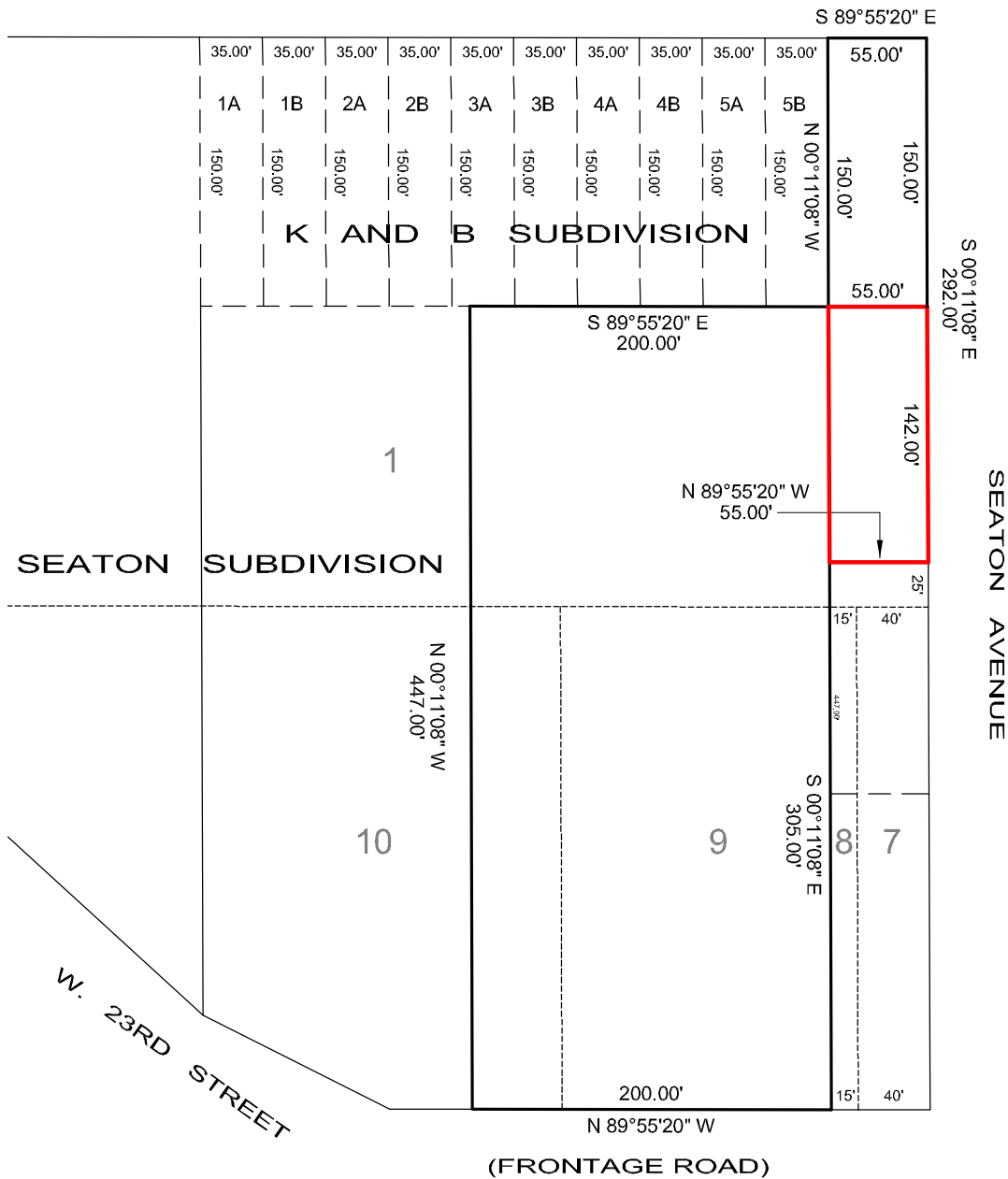
PART OF LOT 1, OF SEATON SUBDIVISION
SECTION 10, T17N, R8E OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

LEGAL DESCRIPTION FOR PROPOSED ZONING CHANGE :

The East 55 feet, of the South 142 feet, of the North 292 feet of Lot 1, of Seaton Subdivision, located in Section 10, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska.



SCALE: 1" = 100'



APEX
LAND SURVEYING, LLC

Danny Martinez, RLS
125 N. Clarmar Ave.
Fremont, Nebraska 68025
(402) 720-9339 Office / Mobile
danm.surveying@gmail.com

Client:		RML Investments, Inc.	
Date:	03/17/2016	Project No.:	RML-SeatonSub-ZoningChange-Fremont-DodgeCo
Scale:	1" = 100'	Drawing File:	RML-SeatonSub-ZoningChange-Fremont-DodgeCo.dwg
Sheet:	1 of 1	Issue No.:	Option 1

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Zoning Change – 361 W Co. Rd. T

Background: The agent for the owner of approximately 40.0 acres located at 361 W Co. Rd. T, Apex Land Surveying, Inc., is requesting approval of a zoning change from AG Agricultural to LI Limited Industrial. The reason for the request is to further development plans of trade services.

The subject property is located along the south side of W Co. Rd. T between State Hwy 77 and N Somers Ave. Properties to the north, opposite W Co. Rd. T, are zoned LI Limited Industrial and AG Agricultural and are listed as commercial and agricultural uses, respectively; property immediately east of the subject property is zoned AG Agricultural and listed as a residence, property to the east opposite State Hwy 77 however is zoned GI General Industrial and listed as real property (i.e. vacant/undeveloped); and properties immediately south and west, opposite N Somers Ave. are zoned AG Agricultural and are listed as agricultural uses. The subject property is currently vacant/undeveloped.

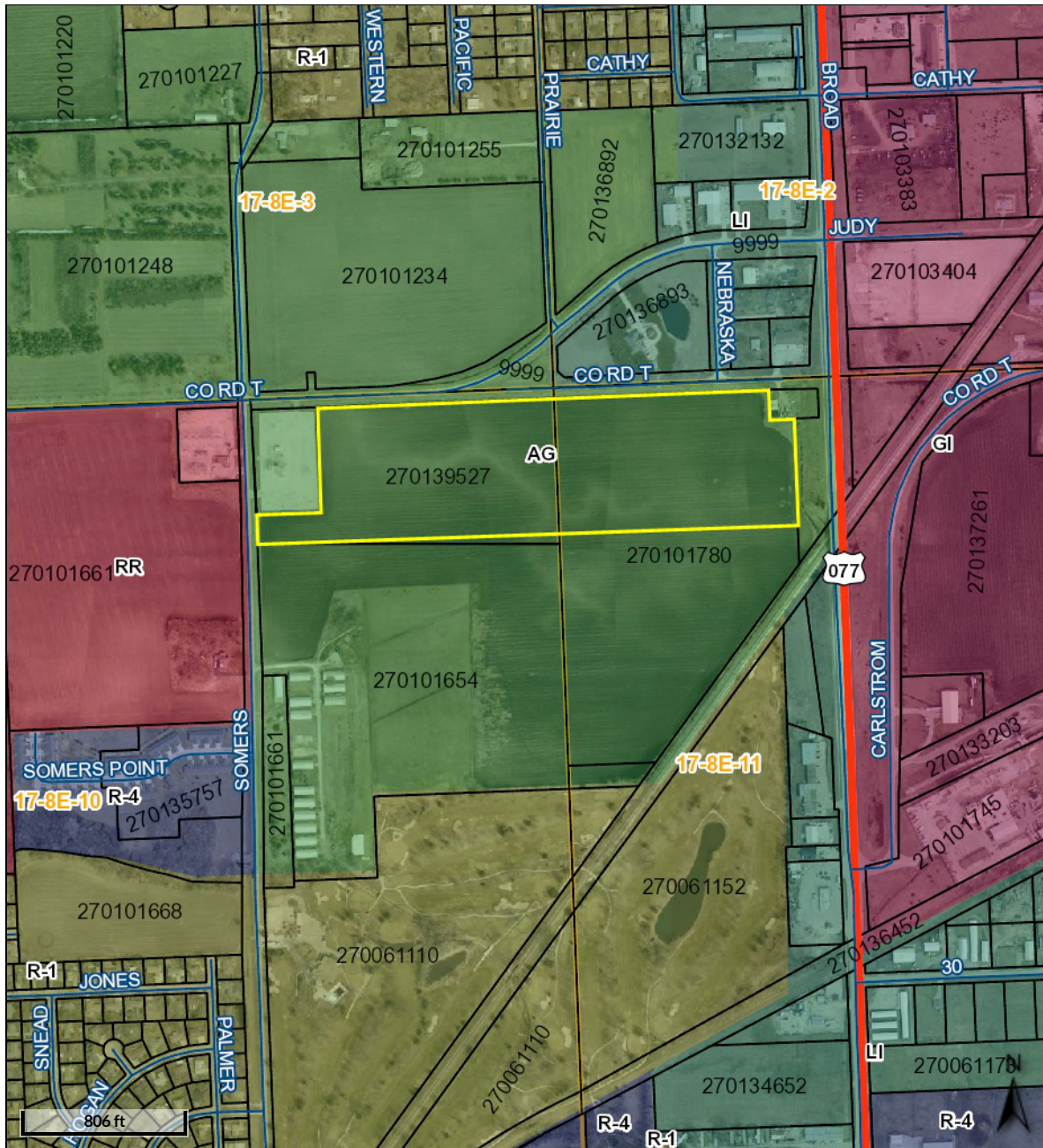
The active Future Land Use Plan identifies the subject property as Rural. Limited Industrial would therefore be contrary to the City's Comprehensive Plan for Future Land Use and Character. The pending Future Land Use Plan however identifies the subject property as Commercial. Limited Industrial would also be contrary to the pending Plan for Future Land Use and Character.

Fiscal Impact: N/A

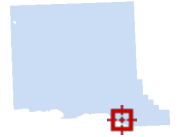


Beacon™

Dodge County, NE



Overview



Legend

Highways

<all other values>

I

LS

N

R

US

Parcels

Sections

Airport

Streets

Zoning

<all other values>

AG

CC

CC/PD

DC

GC

GI

LI

MU

MU / TND

R-1

R-2

R-2/NC

R-3

R-4

R-5

RR

UC

UC/SC

UNKNOWN

Date created: 5/13/2016



Developed by
The Schneider Corporation

Staff Report

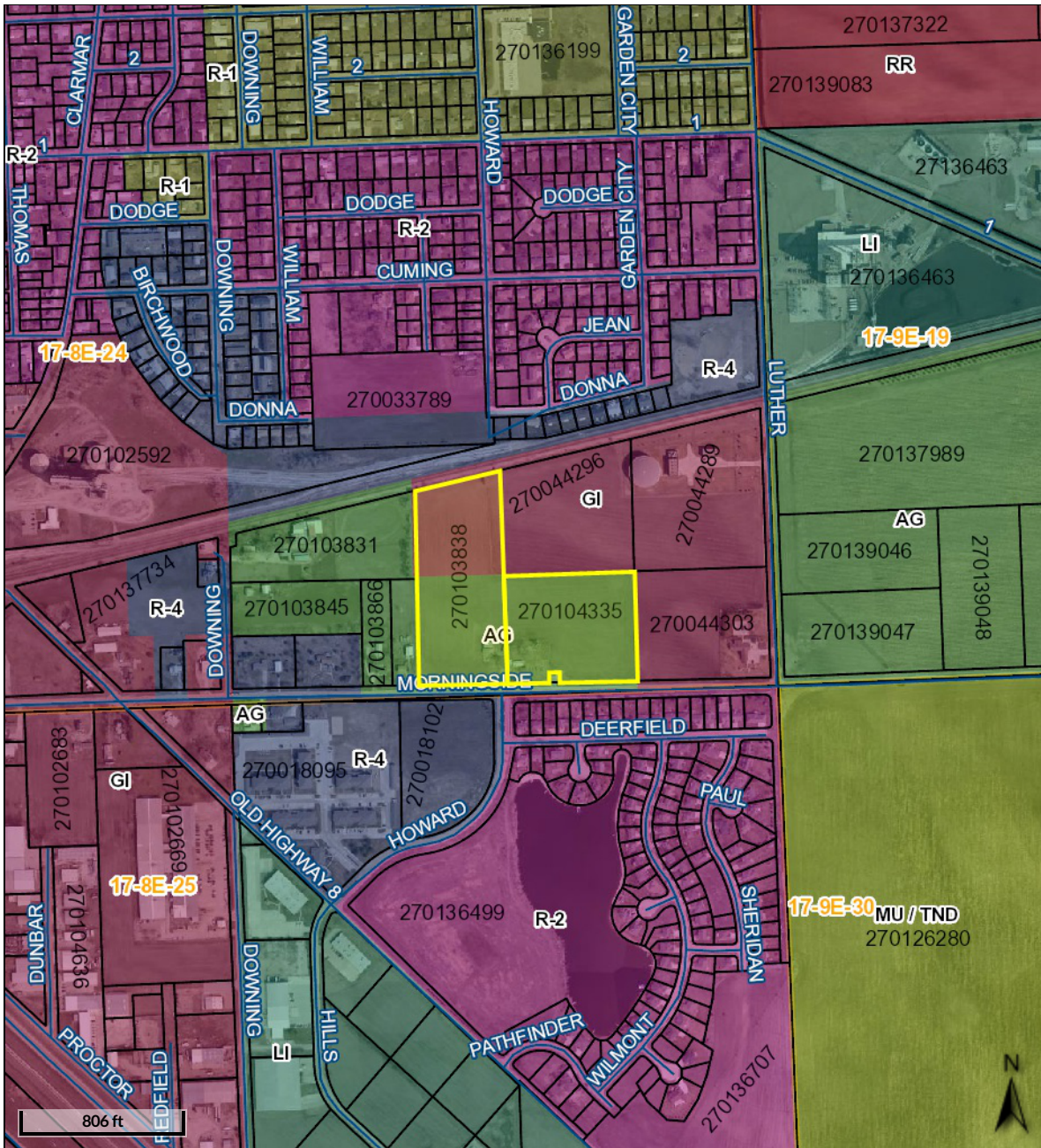
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Zoning Change – 2284 Morningside Rd.

Background: The owner of approximately 16.9 acres located at 361 W Co. Rd. T, Lilyan Scheinost, is requesting approval of a zoning change from AG Agricultural and GI General Industrial to LI Limited Industrial. The reason for the request is for conveyance purposes to further development plans of the subject property.

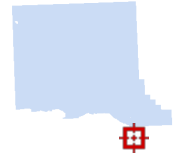
The subject property is located along the north side of E Morningside Rd. between S Downing St. and N Luther Rd. Properties to the north are zoned R-4 High-Density Residential, opposite the Union Pacific Railroad line, and GI General Industrial and are listed as residential and real property uses, respectively; property immediately east of the subject property is zoned GI General Industrial and are listed as real property uses, properties to the south, opposite E Morningside Rd. are zoned R-4 High-Density Residential and R-2 Moderate Density Residential, and are listed as residential uses; properties to the west are zoned AG Agricultural and are listed as residential uses. The subject property consists of a residential dwelling and various outbuildings and is listed as residential.

The active Future Land Use Plan identifies the subject property as Rural. Limited Industrial would therefore be contrary to the City's Comprehensive Plan for Future Land Use and Character. The pending Future Land Use Plan however identifies the subject property as Industrial. Limited Industrial would be consistent with the pending Plan for Future Land Use and Character.

Fiscal Impact: N/A



Overview



Legend

Highways

<all other values>

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LS

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Zoning

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LI

MU

MU / TND

R-1

R-2

R-2/NC

R-3

R-4

R-5

RR

UC

UC/SC

UNKNOWN

Date created: 5/13/2016



Developed by
The Schneider Corporation

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Final Plat – 2284 Morningside Rd.

Background: The owner of approximately 16.9 acres located at 2284 Morningside Rd., Lilyan Scheinost, is requesting approval of a Final Plat to be known as Morningside Industrial Park. The reason for the request is to replat parts of previously platted lots, and parts of vacated streets and roads for conveyance purposes.

The property is partially zoned GI General Industrial and partially AG Agricultural and is currently being considered for Zoning Change to LI Limited Industrial, in its entirety. The three (3) lots being proposed would not meet the AG Agricultural requirement for area [twenty (20) acres] and width [two hundred (200) feet] but do however meet or exceed the area [five thousand (5,000) square feet] and width [fifty (50) feet] requirements for lots in either GI General Industrial or LI Limited Industrial zoning districts. The lots front along a public right-of-way [E Morningside Rd.], and are served by all necessary utilities.

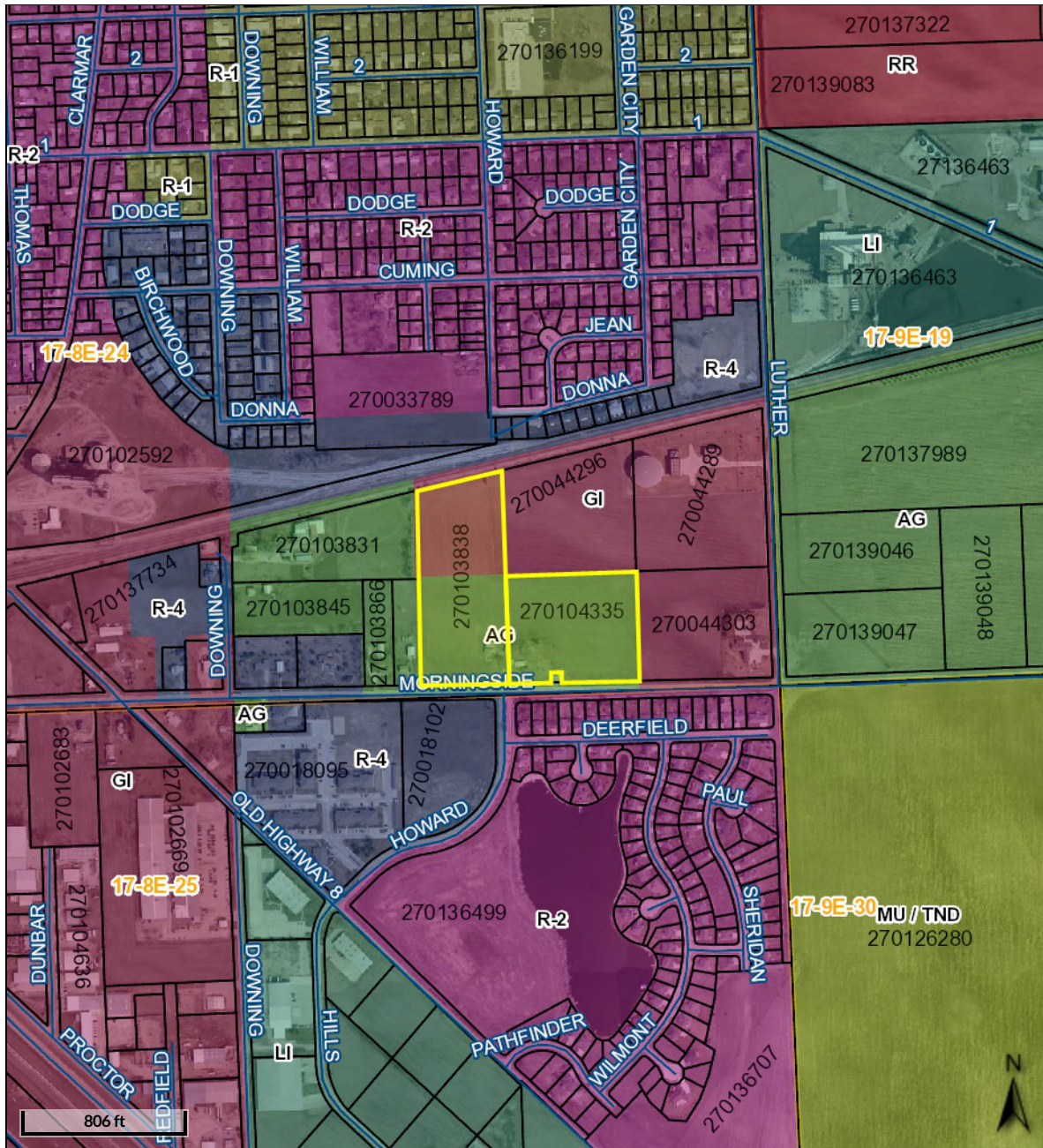
Should the property remain partially zoned GI General Industrial and partially AG Agricultural, then the plat would not meet local requirements for subdivision. Should the property become rezoned to either a GI General Industrial or LI Limited Industrial zoning district, then the proposed plat would appear to meet all state and local requirements for subdivisions.

Fiscal Impact: N/A

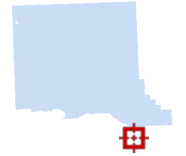


Beacon™

Dodge County, NE



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US

Parcels

Sections

Airport

Streets

Zoning

<all other values>

AG

CC

CC/PD

DC

GC

GI

LI

MU

MU / TND

R-1

R-2

R-2/NC

R-3

R-4

R-5

RR

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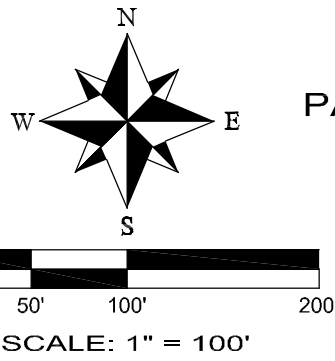
Date created: 5/13/2016



Developed by
The Schneider Corporation

- LEGEND:
- MONUMENT FOUND
 - MONUMENT SET
 - COMPUTED POSITION (NOT SET)
 - COMPUTED DISTANCE
 - MEASURED DISTANCE
 - DEED DISTANCE
 - RECORD DISTANCE
 - PLAT DISTANCE

1. ALL BEARINGS ARE ASSUMED.
2. ALL MONUMENTS FOUND ARE A 1" OPEN TOP PIPE, UNLESS NOTED OTHERWISE.
3. ALL MONUMENTS SET ARE A 5/8" X 24" REBAR, WITH A PLASTIC CAP STAMPED "LS 498", UNLESS NOTED OTHERWISE.



MORNINGSIDE INDUSTRIAL PARK

A REPLAT OF LOT 13, OF MISSOURI VALLEY LAND COMPANY'S SUBDIVISION, AND
PART OF LOTS 13 & 17, OF IOWA RAIL ROAD LAND COMPANY'S SUBDIVISION, TOGETHER WITH VACATED STREETS
SECTION 24, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

OWNER:
LILYAN SCHEINOST
2284 MORNINGSIDE ROAD
FREMONT, NE 68025

PERIMETER DESCRIPTION :

All of Lot 13, of the Missouri Valley Land Company's Subdivision, part of Lots 13 and 17, of the Iowa Rail Road Land Company's Subdivision, together with part of vacated Howard Street, and part of a vacated unnamed public road lying north of said Lots 13 and 17, All located in the South Half of the Southeast Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being described as follows:

Beginning at the Southeast Corner of Lot 13, of said Missouri Valley Land Company's Subdivision; thence N89°33'40"W (assumed bearing) on the South Line of said Lot 13, a distance of 372.00 feet to the Southeast Corner of a parcel of land described and recorded in the Dodge County Register of Deeds Office in Deed Book 108, page 692; thence N00°00'00"E on the East Line of said parcel, a distance of 83.00 feet the Northeast Corner of said parcel; thence N89°33'40"W on the North Line of said parcel, a distance of 50.00 feet to the Northwest Corner of said parcel; thence S00°00'00"E on the West Line of said parcel, a distance of 83.00 feet to the Southwest Corner of said parcel; thence N89°33'40"W on the South Line of said Lot 13, a distance of 199.00 feet to Southwest Corner of said Lot 13; thence N00°17'55"E on the West Line of said Lot 13, a distance of 33.00 feet to a point of intersection with the easterly extension of the South Line of Lot 17, of said Iowa Rail Road Land Company's Subdivision; thence N89°33'40"W on said South Line and its easterly extension, a distance of 438.78 feet to the Southwest Corner of a parcel of land described and recorded in the Dodge County Register of Deeds Office in Deed Book 83, page 434; thence N00°17'51"E on the West Line of said parcel and its northerly extension, a distance of 915.64 feet to a point of the South Line of the Union Pacific Railroad Right-of-Way; thence N78°45'59"E on said South Line, a distance of 414.16 feet to a point on the centerline of said vacated Howard Street; thence S00°17'55"W on said centerline, a distance of 496.32 feet to a point of intersection with the westerly extension of the North Line of Lot 13, of said Missouri Valley Land Company's Subdivision; thence S89°42'31"E on said North Line and its westerly extension, a distance of 654.00 feet to the Northeast Corner of said Lot 13; thence S00°17'55"W on the East Line of said Lot 13, a distance of 537.80 feet to the point of beginning, containing 16.86 acres, more or less.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: THAT LILYAN SCHEINOST, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY DESCRIBED WITHIN THE PERIMETER DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID LAND TO BE SUBDIVIDED AND REPLATTED INTO THREE (3) LOTS, TO BE NAMED AND NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS "MORNINGSIDE INDUSTRIAL PARK" . SAID OWNER HEREBY RATIFIES AND APPROVES OF THE DISPOSITION OF THEIR PROPERTY, AS SHOWN ON THIS PLAT.

LILYAN SCHEINOST

NOTARY:

STATE OF NEBRASKA)
COUNTY) SS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY LILYAN SCHEINOST, AND WHO HEREBY ACKNOWLEDGES THE SIGNING OF SAID DEDICATION TO BE HER VOLUNTARY

ACT AND DEED THIS ____ DAY OF _____, A.D., _____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

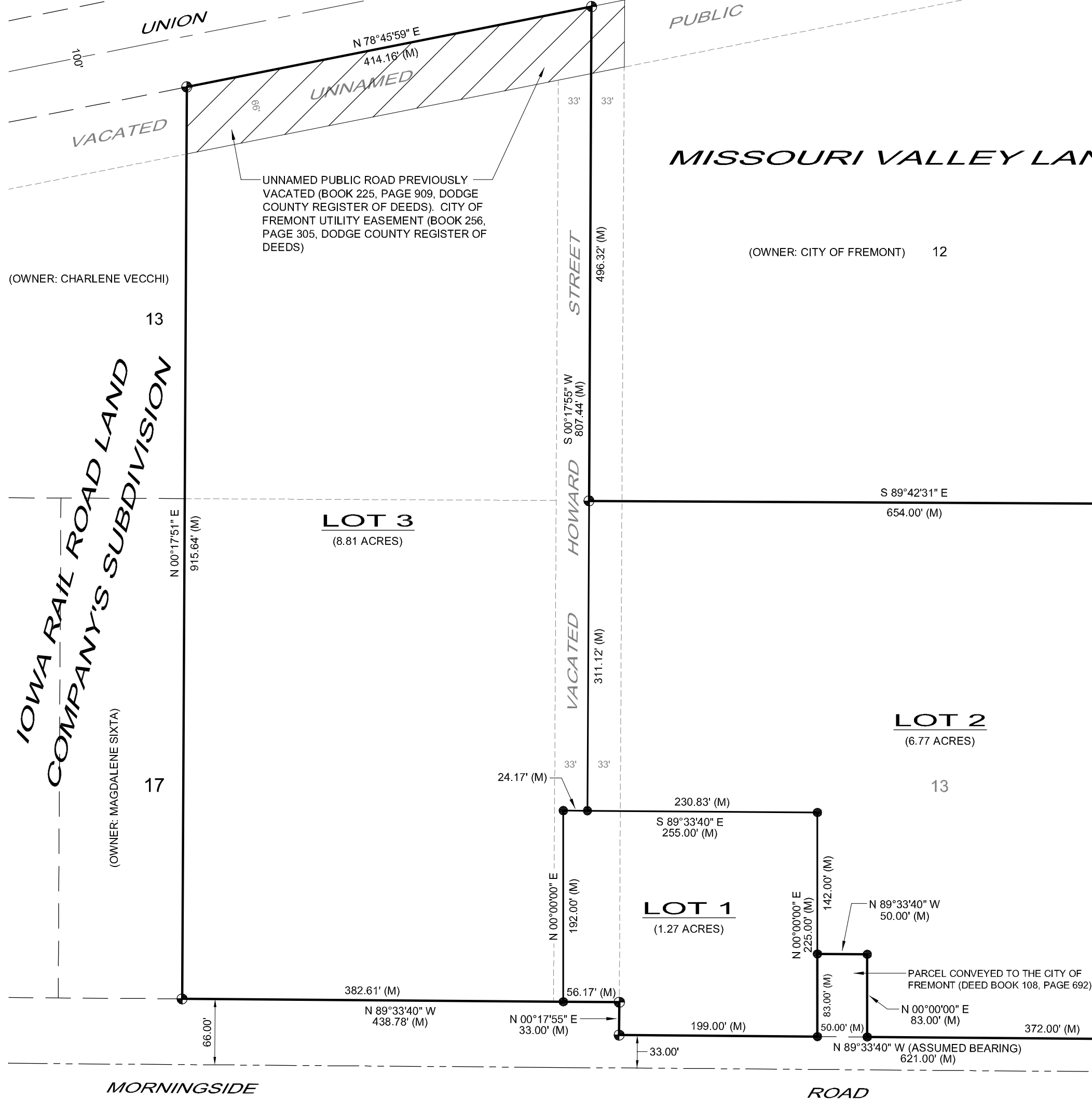
(OWNER: CITY OF FREMONT) 14

(OWNER: CHARLENE VECCHI)

(OWNER: CITY OF FREMONT) 12

(OWNER: CITY OF FREMONT) 11

IOWA RAIL ROAD LAND
COMPANY'S SUBDIVISION
(OWNER: MAGDALENE SIXTA)



CITY OF FREMONT PLANNING COMMISSION APPROVAL :

THIS PLAT OF "MORNINGSIDE INDUSTRIAL PARK" HAS BEEN SUBMITTED TO, AND APPROVED BY THE CITY OF FREMONT PLANNING COMMISSION, AND IS HEREBY TRANSMITTED TO THE CITY COUNCIL OF FREMONT, NEBRASKA, WITH THE RECOMMENDATION THAT THIS PLAT BE APPROVED AS PROPOSED.

DATED THIS ____ DAY OF _____.

CITY OF FREMONT PLANNING COMMISSION:

CHAIRPERSON

SECRETARY

FREMONT CITY COUNCIL APPROVAL :

THIS PLAT OF "MORNINGSIDE INDUSTRIAL PARK" WAS APPROVED AND ACCEPTED BY THE FREMONT CITY COUNCIL, DODGE COUNTY, NEBRASKA,

THIS ____ DAY OF _____.

MAYOR

CITY CLERK

SURVEYOR'S CERTIFICATION :

I, DANNY JOE W. MARTINEZ, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT OF "MORNINGSIDE INDUSTRIAL PARK" HAS BEEN SURVEYED BY ME OR UNDER MY SUPERVISION, AND THAT THE LEGAL DESCRIPTION IS AS STATED ON THIS PLAT. PERMANENT MONUMENTS HAVE BEEN FOUND OR ESTABLISHED AT ALL LOCATIONS SHOWN ON THIS PLAT.

DANNY JOE W. MARTINEZ, L.S. 498
APRIL 15, 2015



MORNINGSIDE INDUSTRIAL PARK

A REPLAT OF LOT 13, OF MISSOURI VALLEY LAND COMPANY'S SUBDIVISION, AND
PART OF LOTS 13 & 17, OF IOWA RAIL ROAD LAND COMPANY'S SUBDIVISION, TOGETHER WITH VACATED STREETS
SECTION 24, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

Client:

Lilyan Scheinost

Project No.:

MorningsideIndustrialPark-S241708-DodgeCo

Drawing File:

MorningsideIndustrialPark-S241708-DodgeCo-FinalPlat.dwg

Issue No.:

1

Sheet:

1 of 1

Staff Report

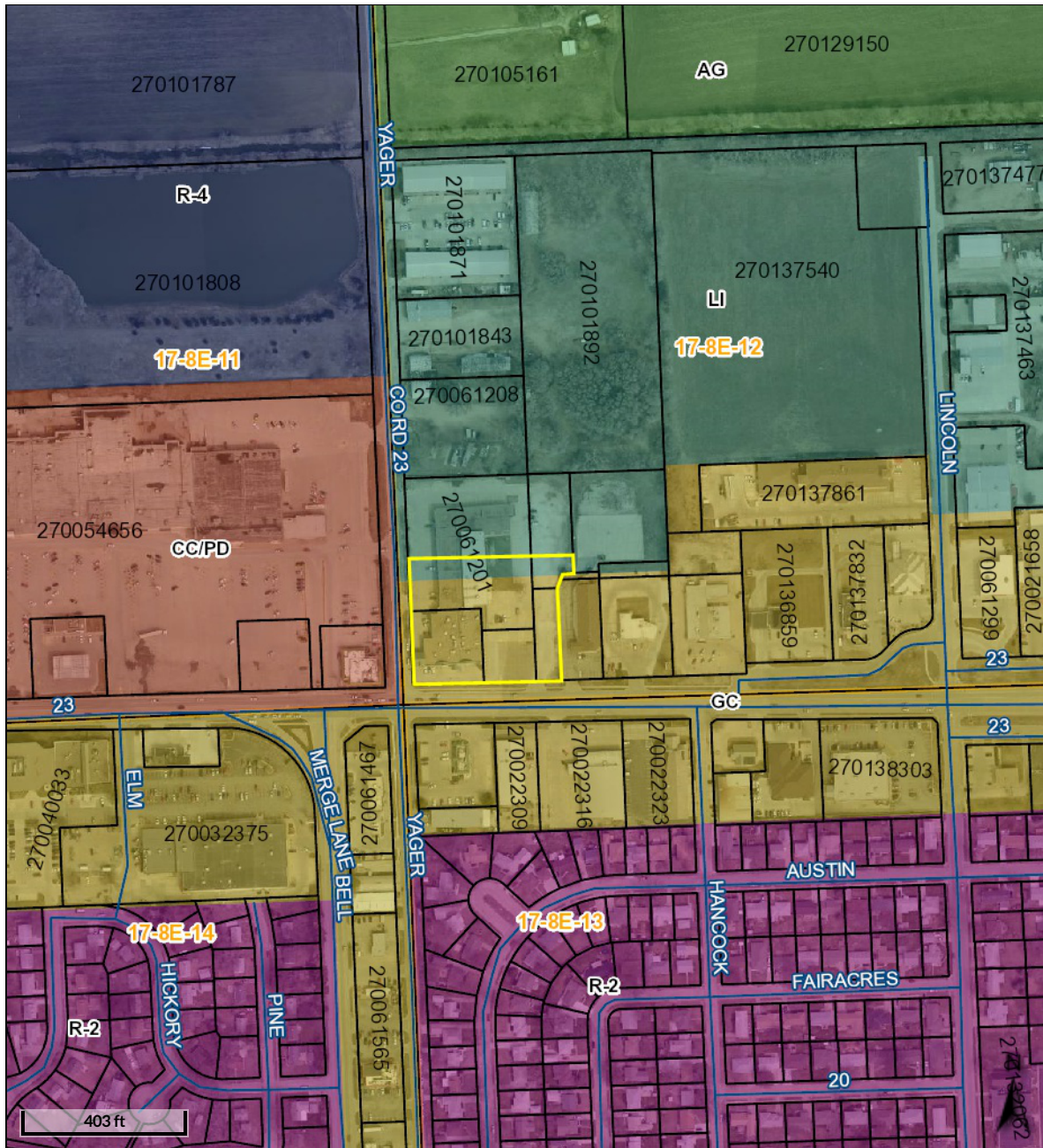
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Final Plat – 1220 E 23rd St.

Background: The agent for the owner of approximately 2.5 acres located at 1220 E 23rd St., Yager Retail, LLC, is requesting approval of a Final Plat to be known as Yager Place Subdivision Replat. The reason for the request is to subdivide a previously platted lot for conveyance purposes.

The property is zoned GC General Commercial. The two (2) lots being proposed meet or exceed the area [six thousand (6,000) square feet] and width [fifty (50) feet] requirements for lots in GC General Commercial zoning districts. The lots front along a public right-of-way [E 23rd St. and N Yager Rd.], and are served by all necessary utilities.

The proposed plat appears to meet all state and local requirements for subdivisions.

Fiscal Impact: N/A



Overview



Legend

Highways

- <all other values>
- I
- LS
- N
- R
- US

Parcels

Sections

Airport

Streets

Zoning

- <all other values>
- AG
- CC
- CC/PD
- DC
- GC
- GI
- LI
- MU
- MU / TND
- R-1
- R-2
- R-2/NC
- R-3
- R-4
- R-5
- RR
- UC
- UC/SC
- UNKNOWN

Date created: 5/13/2016



Developed by
The Schneider Corporation

FINAL PLAT OF
YAGER PLACE SUBDIVISION REPLAT
FREMONT, DODGE COUNTY, NEBRASKA

BEING A REPLATING OF LOT 2, YAGER PLACE SUBDIVISION, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., CITY OF FREMONT, DODGE COUNTY, NEBRASKA
YAGER PLACE SUBDIVISION RECORDED FEBRUARY 05, 2015 IN THE OFFICE OF THE REGISTER OF DEEDS, DODGE COUNTY, NEBRASKA, AS INSTRUMENT NO. 201500495

DEDICATION

KNOW ALL MEN BY THERE PRESENTS: THAT YAGER GROUP LLC, A NEBRASKA LIMITED LIABILITY COMPANY, PAUL V. GIFFORD MANAGER; OWNER AND PROPRIETOR OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAS CAUSED THE SAME TO BE DIVIDED INTO LOTS, SAID SUBDIVISION TO BE KNOWN AS YAGER PLACE SUBDIVISION REPLAT, THE LOTS AND BLOCKS TO BE NUMBERED AS SHOWN AND APPROVES OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT AND HEREBY GRANTS PERPETUAL EASEMENTS AT THE LOCATIONS AND TO THE WIDTHS SHOWN HEREON TO THE CITY OF FREMONT, ANY PUBLIC OR PRIVATE UTILITY COMPANY, AND FOR THE USE OF ABUTTING PROPERTY OWNERS, FOR THE SOLE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF UTILITY LINES AND PIPES AND DRAINAGE FACILITIES. NO PERMANENT BUILDING OR RETAINING WALL SHALL BE PLACED IN THE ABOVE DESCRIBED EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

IN WITNESS WHEREOF, WE DO HEREBY SET OUR HANDS THE ____ DAY OF _____, 2016 A.D.

PAUL V. GIFFORD, MANAGER
FOR: YAGER GROUP LLC, A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DODGE)

ON THIS ____ DAY OF _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME PAUL V. GIFFORD, MANAGER OF YAGER GROUP LLC, A NEBRASKA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____
COMMISSION EXPIRES _____

NOTES:

1. ALL LOT CORNER, CHANGES IN DIRECTION AND THE BEGINNING AND END OF CURVES ARE MARKED WITH EXISTING MONUMENTS (AS NOTED ON DRAWING) OR SET WITH 5/8" REBAR WITH PLASTIC CAP "LS-604".

LEGAL DESCRIPTION

A TRACT OF LAND BEING ALL OF LOT 2, YAGER PLACE SUBDIVISION, A SUBDIVISION LOCATED IN THE SW1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA.

SAID TRACT OF LAND CONTAINS AN AREA OF 108,558 SQUARE FEET OR 2.492 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATION

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR WILL BE SET AS DESCRIBED HEREON, WITHIN 60 DAYS OF THE FILING OF THIS PLAT AT THE DODGE COUNTY REGISTER OF DEEDS OFFICE.

JASON HEADLEY LS 604 _____ DATE _____

PLANNING COMMISSION APPROVAL

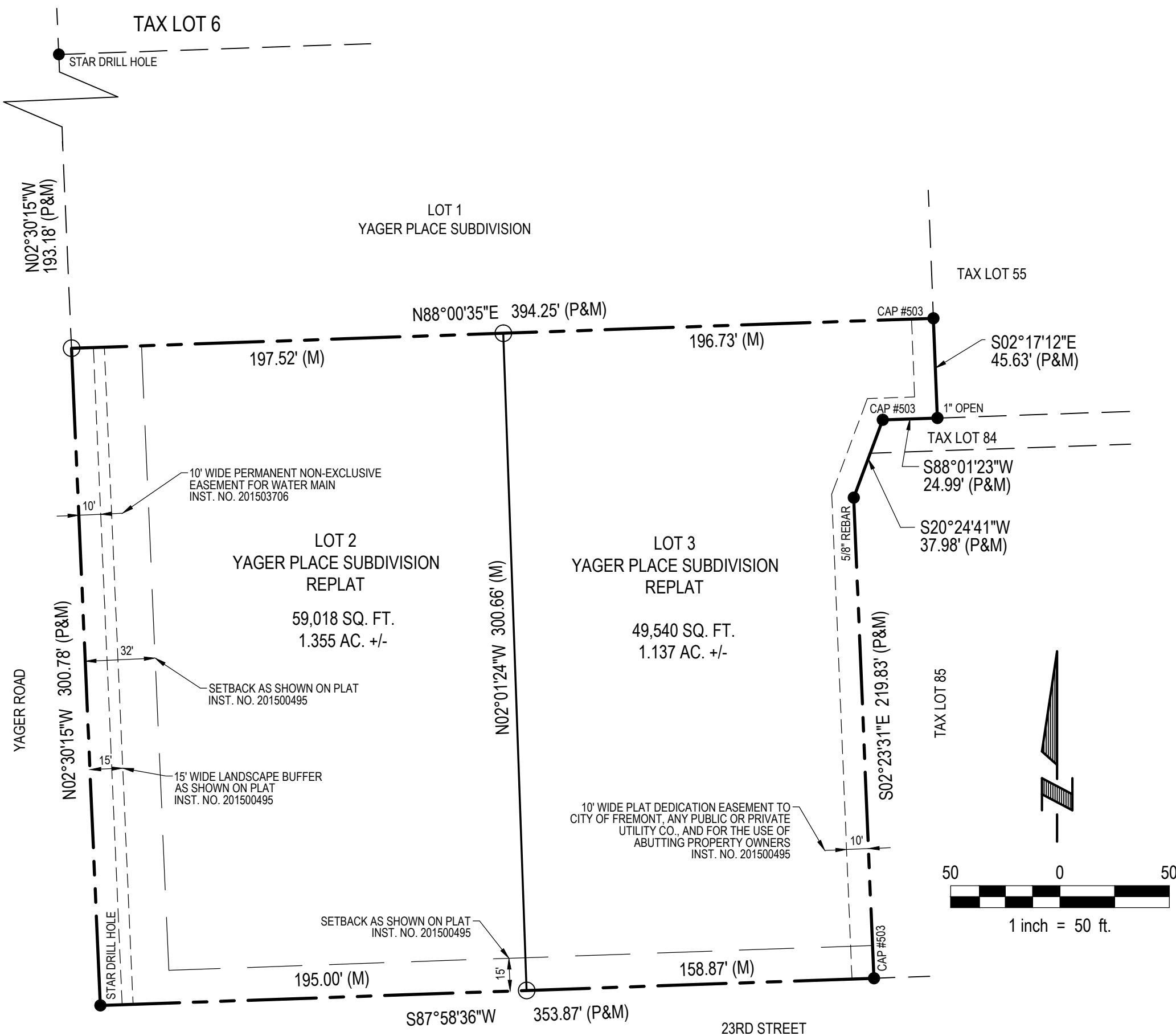
ON THIS ____ DAY OF _____, 2016 A.D. THIS PLAT OF YAGER PLACE SUBDIVISION REPLAT WAS APPROVED AND ACCEPTED BY THIS PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA

CHAIR _____

CITY COUNCIL ACCEPTANCE

ON THIS ____ DAY OF _____, 2016 A.D. THIS PLAT OF YAGER PLACE SUBDIVISION REPLAT WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA

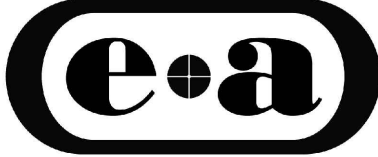
MAYOR _____ CLERK _____



LEGEND

- 5/8" REBAR SET CAP LS604
- PINS FOUND (AS NOTED)
- BOUNDARY LINE
- INTERIOR LOT LINES
- ADJACENT PROPERTY LINES
- EXISTING EASEMENT LINES
- EXISTING SETBACK LINES

- (P) PLATTED DISTANCE YAGER PLACE SUBDIVISION RECORDED AS INST. NO. 201500495
- (M) MEASURED DISTANCE

Proj No: 2015.607.001	Revisions		FINAL PLAT	LOTS 2 AND 3 YAGER PLACE SUBDIVISION REPLAT DODGE COUNTY, NEBRASKA	 E & A CONSULTING GROUP, INC. Engineering Answers	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services
Date: 3/10/2016	No.	Date	Description			
Designed By:						
Drawn By: FCE						
Scale: 1" = 50'						
Sheet: 1 of 1						10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599 www.eacg.com

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Final Plat – 1858 W 23rd St.

Background: The agent for the owner of approximately 1.1 acres located at 1858 W 23rd St., Yager Retail, LLC, is requesting approval of a Final Plat to be known as Seaton Subdivision Replat. The reason for the request is to replat parts of previously platted lots to further development plans for the subject property.

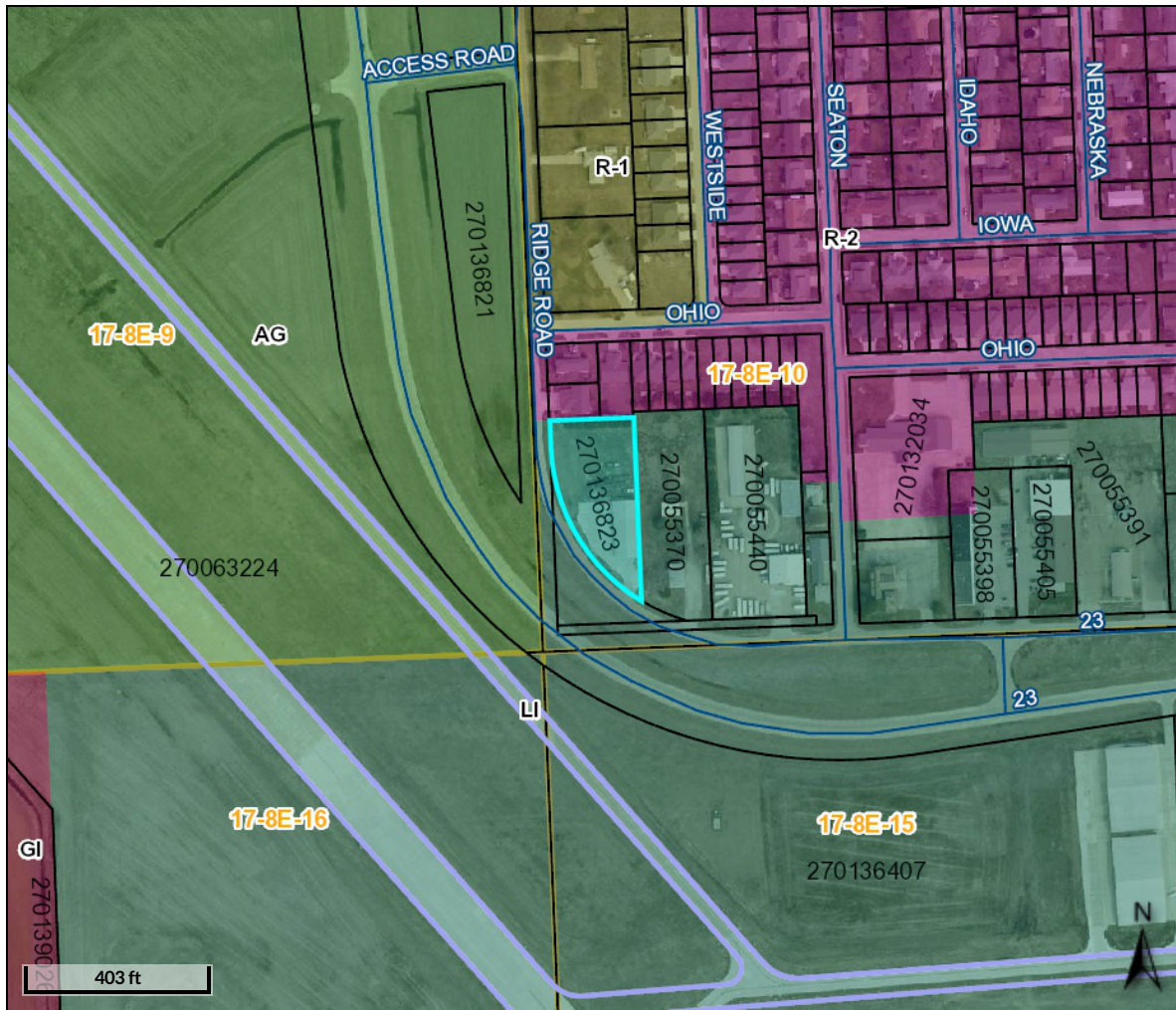
The property is zoned LI Limited Industrial. The one (1) lot being proposed meets or exceeds the area [five thousand (5,000) square feet] and width [fifty (50) feet] requirements for lots in LI Limited Industrial zoning districts. The lot fronts along a public right-of-way [W 23rd St.], and is served by all necessary utilities.

The proposed plat appears to meet all state and local requirements for subdivisions.

Fiscal Impact: N/A

**Beacon**TM

Dodge County, NE

**Overview****Legend****Highways**

<all other values>

I

LS

N

R

US

Parcels

Sections

Airport

Streets

Zoning

<all other values>

AG

CC

CC/PD

DC

GC

GI

LI

MU

MU / TND

R-1

R-2

R-2/NC

R-3

R-4

R-5

RR

UC

UC/SC

UNKNOWN

Parcel ID 270136823
Sec/Twp/Rng 10-17-8
Property Address 1858 - 1860 W 23RD
FREMONT

Alternate ID 2391-10-3-91920-000-0000
Class COM - COMMERCIAL
Acreage n/a

Owner Address BNE CONSTRUCTION
PO BOX 367
NORTH BEND, NE 68649-0367

District 1 - FREMONT CITY
Brief Tax Description SEATONS SUB PT TL 81 & 82

SEATON SUBDIVISION 2ND REPLAT

A REPLAT OF PART OF LOTS 1 & 10, OF SEATON SUBDIVISION

SECTION 10, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

OWNER:

BnE CONSTRUCTION

P.O. BOX 367

NORTH BEND, NE 68649

NOTARY:

STATE OF NEBRASKA)

) SS

COUNTY)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY ERIC JOHNSON, AND WHO HEREBY ACKNOWLEDGES THE SIGNING OF SAID DEDICATION TO BE HIS VOLUNTARY

ACT AND DEED THIS DAY OF , A.D.,

NOTARY PUBLIC

MY COMMISSION EXPIRES

CITY OF FREMONT PLANNING COMMISSION APPROVAL :

THIS PLAT OF "SEATON SUBDIVISION 2ND REPLAT", HAS BEEN SUBMITTED TO, AND APPROVED BY THE CITY OF FREMONT PLANNING COMMISSION, AND IS HEREBY TRANSMITTED TO THE CITY COUNCIL OF FREMONT, NEBRASKA, WITH THE RECOMMENDATION THAT THIS PLAT BE APPROVED AS PROPOSED.

DATED THIS DAY OF ,

CITY OF FREMONT PLANNING COMMISSION:

CHAIRPERSON

SECRETARY

FREMONT CITY COUNCIL APPROVAL :

THIS PLAT OF "SEATON SUBDIVISION 2ND REPLAT" WAS APPROVED AND ACCEPTED BY THE FREMONT CITY COUNCIL, DODGE COUNTY, NEBRASKA,

THIS DAY OF ,

MAYOR

CITY CLERK

APEX

LAND SURVEYING, LLC

Danny Martinez, RLS

125 N. Clamar Ave.

Fremont, Nebraska 68025

(402) 720-9339 Office / Mobile

danm.surveying@gmail.com

Client: BnE Construction	
Date: 04/15/2016	Project No.: BnE-SeatonSub2ndReplat-Fremont-DodgeCo
Scale: 1" = 100'	Drawing File: BnE-SeatonSub2ndReplat-Fremont-DodgeCo.dwg
Sheet: 1 of 1	Issue No.: 1

DEDICATION :

KNOW ALL MEN BY THESE PRESENTS: THAT BnE CONSTRUCTION, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY DESCRIBED WITHIN THE PERIMETER DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID LAND TO BE SUBDIVIDED AND REPLATTED INTO ONE (1) LOT, TO BE NAMED AND NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS "SEATON SUBDIVISION 2ND REPLAT". SAID OWNER HEREBY RATIFIES AND APPROVES OF THE DISPOSITION OF THEIR PROPERTY, AS SHOWN ON THIS PLAT.

ERIC JOHNSON, PRESIDENT

RML INVESTMENTS, INC.

PERIMETER DESCRIPTION :

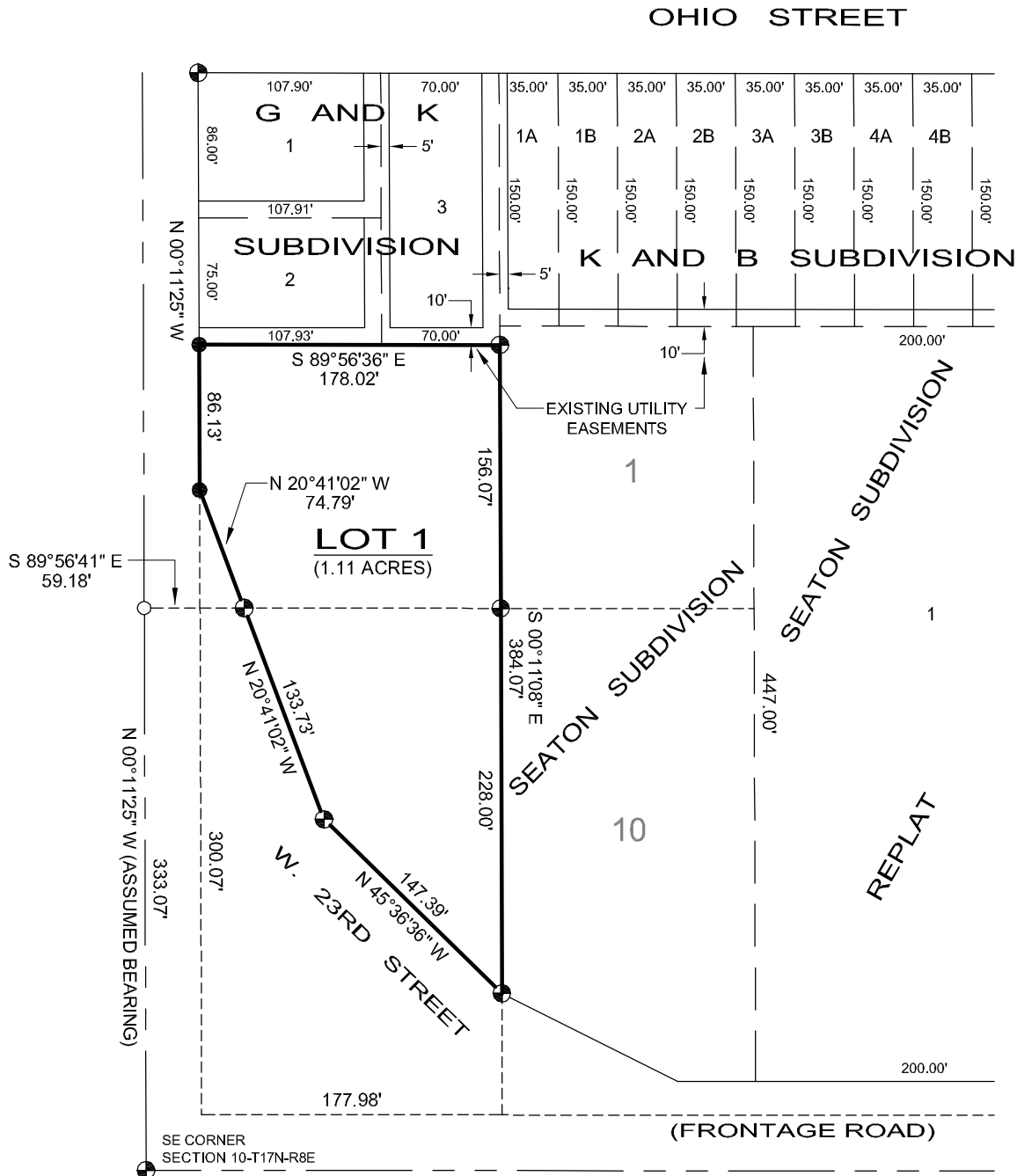
Part of Lots 1 and 10, of Seaton Subdivision, in Section 10, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of said Section 10; thence N00°11'25"W (assumed bearing), a distance of 333.07 to a point of intersection with the westerly extension of the North Line of said Lot 10; thence S89°56'41"E on said North Line and its westerly extension, a distance of 59.18 feet to a point on Northeasterly Line of U.S. Highway No. 30, this being the true point of beginning; thence N20°41'02"W on said Northeasterly Line, a distance of 74.79 feet to a point on the West Line of said Lot 1; thence N00°11'25"W on said West Line, a distance of 86.13 feet to the Southwest Corner of G and K Subdivision; thence S89°56'36"E on the South Line of said G and K Subdivision, a distance of 178.02 feet to the Southeast Corner of said G and K Subdivision; thence S00°11'08"E on the West Line of a parcel of land described and recorded in the Dodge County Register of Deeds Office in Deed Book 1 69, page 563; a distance of 384.07 feet to a point on the Northeasterly Line of U.S. Highway No. 30 ; thence N45°36'36"W on said Northeasterly Line, a distance of 147.39 feet; thence N20°41'02"W continuing on said Northeasterly Line, a distance of 133.73 feet to the true point of beginning.

SURVEYOR'S CERTIFICATION :

I, DANNY JOE W. MARTINEZ, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT OF "SEATON SUBDIVISION 2ND REPLAT" HAS BEEN SURVEYED BY ME OR UNDER MY SUPERVISION, AND THAT THE LEGAL DESCRIPTION IS AS STATED ON THIS PLAT. PERMANENT MONUMENTS HAVE BEEN FOUND OR ESTABLISHED AT ALL LOCATIONS SHOWN ON THIS PLAT.

DANNY JOE W. MARTINEZ, L.S. 498

APRIL 15, 2016

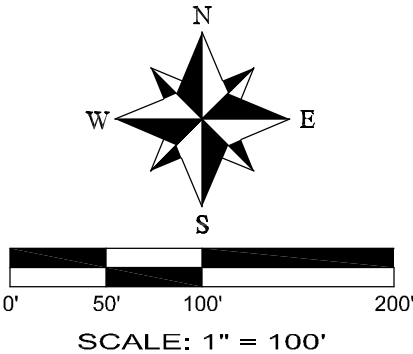


LEGEND:

- MONUMENT FOUND
- MONUMENT SET
- COMPUTED POSITION (NOT SET)
- COMPUTED DISTANCE
- MEASURED DISTANCE
- DEED DISTANCE
- RECORD DISTANCE
- PLAT DISTANCE

1. ALL BEARINGS ARE ASSUMED.

2. ALL MONUMENTS FOUND ARE A 5/8\"/>



Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: May 16, 2016
SUBJECT: Draft Unified Development Ordinance (UDO) Amendments – Article 6

Background: Staff has prepared the following amendments to Article 6 of the Draft UDO for review and consideration. This Article was broken into three (3) parts. The first part addresses parking, loading, and access. This part addresses landscaping, buffering, and screening. The most significant revisions include:

- Reorganization;
- Removing redundant language;
- Specifying an approved and prohibited plant list;
- Specifying common tree measurement practices;
- Revising inspection procedures;
- Providing term to determination of land clearing;
- Clarifying mixed use applicable to bufferyards;
- Eliminating residential bufferyards against existing residential developments; and
- General word-smithing.

~~[15-6]~~11-710 LANDSCAPING~~[AND]~~, BUFFERING, AND SCREENING

~~[Sec. 15-6]~~§11-711 Purpose

In establishing these procedures and standards, it is the City's purpose to encourage the preservation of trees and their value to the community, increase the compatibility of adjacent uses, and to minimize the effects of noise, dust, debris, artificial light intrusions, and other impacts created by the use of land. The standards and requirements set out in this Section are intended to:

- A. Protect and preserve the appearance and character of the community;
- B. Promote the health and quality of life of the residents of the City through the protection of trees;
- C. Promote the planting of trees and shrubs that are native to Nebraska; and
- D. Establish standards for removal, maintenance, and planting of trees.

~~[Sec. 15-6]~~§11-712 Application

- A. **Generally.** This Section requires ~~two~~four (4) general types of landscaping, including:
 1. ~~[Development]~~Landscaping. See **Section** 15-615, *Development Landscaping*. There are four (4) types of development landscaping:
 - a. Lot landscaping;
 - b. Site landscaping;~~[and]~~
 - c. Parking lot landscaping~~[,]~~ and
 - d. Street trees in certain locations.
 2. ~~[Bufferyard Landscaping]~~Buffering. See **Section** 15-616, *Bufferyards*. Bufferyards are required based on the zoning, development type, or right-of-way type that abuts proposed development. Bufferyards may be required along:
 - a. District boundaries and between residential and nonresidential uses;
 - b. Street and railroad rights-of-way; and
 - c. ~~[The perimeters of parking lots; and~~
 - d. ~~In TND or mixed-use developments, between individual land uses]~~Around parking and vehicular use areas.
 3. Screening. See **Section** 15-617, *Screening*.
 4. Open Space. See **Section** 15-618, *Open Space*.
- B. **Application of Standards.** This Section applies to all new development, redevelopment, and substantial improvements, and where specifically indicated, to existing trees and landscaping. The application of **Section** 15-610, *Landscaping and Buffering* may be limited by **Section** 15-720, *Nonconformities*.
- C. **Exceptions.** The following are exceptions to the standards of this Article:

1. Existing lots of record that are used for single-family ~~for two family dwellings~~ attached, single-family detached, and HUD code manufactured housing unless required by this Section (see [Section 15-614, General Requirements](#)).
2. Modifications to nonresidential buildings where the building expansion or redevelopment does not [cumulatively](#) exceed the gross floor area of the existing building by more than [ten \(10\)](#) percent or [three thousand \(3,000\)](#) square feet, whichever is less.
3. Development that was approved in the City prior to the effective date of this ~~UDO~~ UDC shall comply with the terms of the development approval (and not this Section) to the extent that alternative landscaping requirements are already specified. Such approved development shall not be required to install bufferyards if there is insufficient land area identified on the approved plans to accommodate them.
4. ~~[Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping in compliance within this Section would be impractical or unreasonable, in which case the City may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.]~~

Commented [AT1]: Redundant. The following subsection provides for reductions in the landscaping requirements, where necessary.

D. Adjustments and Changes.

1. Necessary or requested adjustments or changes to the requirements of [Section 15-610, Landscaping and Buffering](#) may only be by reason of:
 - a. Site constraints or impracticalities that are due to special conditions of the property that do not exist on other properties in the same zoning district;
 - b. Conditions that have not been brought about by action of the applicant or owner; and
 - c. Unnecessary hardship caused by the strict interpretation of this ~~UDO~~ UDC.
2. In these instances, the Planning Commission may consider authorizing an adjustment as set out in [Section 15-716.10., Minor Adjustments](#), or if the standards of approval may not be met, by considering approval, approval with conditions, or denial of the site plan, as set out in [Section 15-716.03., Site Plan](#).

~~[Sec. 15-6]~~ §11-713 Landscape Plan, Installation, and Maintenance

~~[15-6]~~ 11-713.01. Landscape Plan Approval

- A. **Generally.** Compliance with the standards of this Section shall be demonstrated by schematic landscape and irrigation plans and a landscape installation and maintenance plan. Collectively, these documents shall be referred to as the "landscape plan."
- B. **Contents of Schematic Landscape Plan.** The landscape plan shall include the elements that are set out in this Subsection. ~~[The Director may waive elements of the landscape plan if the Director finds that they are unnecessary due to the type of development approval sought, or the conditions of the site being developed, or both. The Director is authorized to require additional information on the landscape plan as needed to administer the requirements of this UDO.]~~ The schematic landscape plan shall include all of the following information:
 1. ~~[Plan Drawing. The landscape plan drawing shall include all of the following information:]~~

Commented [AT2]: The Planning Commission may make adjustments as set out in Section 15-716.10., *Minor Adjustments*.

Commented [AT3]: Redundant.

a. A plan view drawing prepared at a standard scale that ensures clarity of the proposal (scale shall be approved by the Director), which shall indicate:

1. Existing and proposed topography of the site, shown at one-foot contours, or spot elevations where contours are unable to illustrate topography in sufficient detail;
2. Dimensions and surfacing of all easements, pedestrian walkways, and pedestrian-oriented areas (existing and proposed);
3. Location and dimensions of maintenance easements for drainage facilities;
4. Location of existing and proposed overhead and underground utilities;
5. Location and base flood elevation of floodplains;
6. Dimensions and slopes of storm water detention areas;
7. Dimensions, surface area, and type of planting area (e.g., bufferyard, parking lot landscaping, etc.) for each planting area;
8. The location and quantity of trees and shrubs to be installed, which shall be drawn at three-fourths (3/4) of mature size and annotated with genus, species, common name, drought tolerance, and size at planting;
9. The location, quality, size (DBH), and protected root zone of trees that are to be preserved on the site;
10. The location and extent of areas of groundcover; the groundcovers, turf, seed, or inorganic materials to be installed or planted; and the type of underlayment proposed to be used (if any);
11. Dimensions of all landscape elements, including fences, walls, border edge treatments, berms, water features, trash enclosures, street furniture, public art, and recreational facilities, as applicable (the Director may require details or specifications for landscape features or structures to be attached to the landscape plan in order to facilitate subsequent inspection);
12. General layout, design, and the wet coverage area of irrigation systems;
13. Special landscape features for stormwater detention and treatment, such as green roofs, rain gardens, or bioswales;
14. Dimensions and locations of sight distance triangles; and
15. Any credits that are requested for preserving existing trees pursuant to **Subsection 15-614.04.**, *Credit for Existing Trees* or **Section 15-616.03.**, *Credits for Existing Buffer Treatments*.

b. Information regarding specific design techniques that will be used to prevent water infiltration or damage at the street section may be required by the Director if it is found that there is good cause to believe that such damage could occur.

C. **Landscape Installation and Maintenance Plan.** Subject to the exceptions set out in **Section 15-612**, *Application*, a landscape installation and maintenance plan shall identify the proposed plant installation methods and both short- and long-term landscape maintenance programs for all landscaped areas except landscaping of private lots (unless a property owners' association is to

maintain the landscaping on private lots). The maintenance plans shall provide a detailed explanation of the work to be done, the reason it is needed, the frequency of the work, and the estimated annual cost of the work. Specifically, the following is required to be addressed in the maintenance programs:

1. *Landscape Surface Area Landscaping (including parking lots)*. Landscaping in designated landscape areas of nonresidential and mixed-use development shall be maintained by the applicant or successor in interest. In nonresidential and mixed-use developments that are subdivided or divided into condominium ownership, such successor in interest must be a mandatory property owners' association that collects dues for common area maintenance and that has a lien right for said dues. The maintenance responsibility shall be set out in the landscape plan that is required by this Subsection.
2. *Private Lot Landscaping*. Landscaping of private lots shall be the responsibility of the lot owner, unless a declaration of covenants, conditions, and restrictions assigns the responsibility to a property owners' association. The maintenance responsibility shall be noted in the landscape plan that is required by this Subsection.
3. *Street Trees (as applicable)*. Existing street trees and street trees that are installed within adequate rights-of-way in new development shall be maintained by a subdivider, lot owner, tenant, property owners' association, or other entity having a legal interest in the ownership of the subdivision or lots in the subdivision. The maintenance responsibility shall be set out in the landscape plan that is required by this Subsection.

D. Approval and Timing of Approval.

1. Plans meeting the standards of this ~~UDC~~UDC shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the City finds such alterations would better serve the purposes for which they are intended.
2. Landscape plans containing street trees and open spaces shall be submitted for approval at the preliminary plat application stage.
3. Landscape plans containing site features, bufferyards, and required landscaping shall be submitted for approval at the building permit stage.

~~[15-6]~~11-713.02. Credit for Existing Trees

- A. Generally. Where there is existing vegetation on site, the Director, or an appointee, may require an inventory of plant material. Land clearing and removal of existing, healthy trees shall not be removed unless the Director determines that no other option is available as set out in **Section 15-614, General Requirements**. Existing trees qualify for credit as per the allowances of this Subsection.
- B. Quality of Existing Trees. Existing trees that are protected according to **Section 15-614, General Requirements** and **Section 15-613, Landscape Plan, Installation, and Maintenance**, count towards the planting requirements of this Subsection, provided that they are at least three and one-half (3.5) inches in diameter at breast height (DBH), four and one-half (4.5) feet above grade, and not on the prohibited plant list, as set out in **Appendix B, Plant List**.
- C. Credit for Preservation of Trees. Healthy, mature trees that are preserved on-site shall count as more than one (1) tree for the purposes of the landscaping requirements, as set out in **Table 15-614.04., Credit for Preservation of Trees**.

Table 11-713.02.

Credit for Preservation of Trees

Preserved Healthy Tree Unit of Measurement (use whichever one produces the most credit)		Credit
Diameter at Breast Height	Tree Height	
At least 3.5 inches, but less than 5 inches	At least 10 ft., but less than 15 ft.	1 tree
At least 5 inches, but less than 9 inches	At least 15 ft., but less than 24 ft.	2 trees
At least 9 inches, but less than 12 inches	At least 24 ft., but less than 32 ft.	3 trees
At least 12 inches, but less than 16 inches	At least 32 ft., but less than 40 ft.	4 trees
16 inches or more	40 ft. or more	5 trees

- D. Application of Tree Preservation Credit. The tree preservation credit is applied towards the requirements for the area in which the tree is planted. If there are no requirements for that area, the credit applies in the following order of descending priority:
1. Lot and site landscaping requirements;
 2. Parking lot landscaping requirements; and
 3. Bufferyard requirements, provided that the tree is located between the bufferyard to which the credit applies and the building or use that is being buffered.

11-713.03. Species

- A. **Approved Plant List.** A list of ~~{plants that}~~ Nebraska Native Trees and Shrubs, which are approved by the City for meeting the requirements of this Article, ~~{is provided in Appendix B, Plant List. The list may be amended by resolution of the Planning Commission. Plants that are neither approved nor prohibited may be planted, but do not count towards landscaping requirements unless they are added to the approved plant list by the Planning Commission}~~ can be obtained online from the Nebraska Statewide Arboretum (NSA) website, <http://arboretum.unl.edu/>.
- B. **Prohibited Plant List.** A list of invasive plants, ~~{that}~~ which are not allowed anywhere in the City, ~~{is provided in Appendix B, Plant List}~~ can be obtained online from the Nebraska Invasive Species Program website, <http://neinvasives.com/>. ~~{Prohibited}~~ Invasive plants must be removed from ~~{parcels}~~ lots or tracts proposed for development prior to the issuance of a certificate of occupancy.

~~[15-613.03]~~ **11-713.04. Size and Quantity of Landscape Material**

- A. **Generally.** The size and quantity of landscape material that is installed in accordance with the requirements of this Section shall meet the standards of this Subsection.
- B. **Size and Quantity Requirements.**
1. All plant materials shall be of good quality, container grown or balled and burlapped in accordance with the most current edition of the *American Standard for Nursery Stock*. Tree size is measured as a diameter at breast height (DBH), four and one-half (4.5) feet above grade.

2. Large trees shall be at least two and one-half (2.5) inches ~~{caliper}~~DBH.
 3. Small trees that are planted in parkways shall be at least two (2) inches ~~{caliper}~~DBH.
 4. Understory trees shall be at least one and one-half (1.5) inches ~~{caliper}~~DBH.
 5. Evergreens shall be six (6) feet tall at the time of planting.
 6. Shrubs shall be in five-gallon containers at planting.
- C. **Additional Standards for Street Trees.** Street trees planted in parkways shall be branched no lower than six (6) feet above the ground (for visibility purposes).

11-713.05. Surety

- A. **Surety Required.** The applicant shall submit the bid for the landscape plan for review by the City. A bond, landscape contractor guarantee, or other acceptable surety equal to one hundred twenty (120) percent of the cost of implementing the landscape plan shall be provided to ensure proper installation and maintenance of the landscaping for a period of two (2) years from the date of installation.
- B. **Replacement Required.** The applicant shall warrant all landscaping materials for a period of two (2) years after installation. All plant materials that die within two (2) years from the date of installation shall be replaced by the applicant. If the applicant fails to replace the plant materials, the City may use the performance guarantee to replace dead materials. For all required landscaping on individual residential lots, the developer shall convey a two-year warranty to the purchaser at the time of closing.
- C. **Return or Release of Surety.** The City shall return or release the surety after the two-year period is expired upon request of the applicant and demonstration that the landscaping that is protected by the guarantee is established and in good condition.

~~{15-613.04}~~ 11-713.06. Timing of Installation; Inspections

- A. **Completion of Landscape Improvements.**
 1. Bufferyard landscaping must be completed prior to a ~~{subdivision plat being recorded, or, if no plat is required, a certificate of occupancy being issued}~~ final inspection being approved. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may approve the final inspection and issue a temporary certificate of occupancy with the following conditions:
 - a. ~~{Allow the plat to be recorded upon condition that security}~~ surety, in a form acceptable to the City Attorney, is provided for the installation of the required landscaping ~~{during a better time of planting}~~ prior to approval of the final inspection and issuance of a temporary certificate of occupancy; for and
 - b. ~~{issue a temporary certificate of occupancy, on the condition that }~~ a permanent certificate of occupancy will not be issued unless and until the required landscaping is installed.
 2. All other landscaping must be installed before ~~{issuance of a permanent certificate of occupancy}~~ a final inspection will be approved. A ~~{temporary certificate of occupancy}~~ final inspection may be ~~{issued}~~ approved after receipt of surety, in a form acceptable to the City Attorney, if necessary to allow for the planting of landscaping improvements during an appropriate season or weather condition; a permanent certificate of occupancy will not be issued unless and until the required landscaping is installed.

- B. **Periodic Inspections.** The City may inspect each site periodically after approval of a subdivision plat or issuance of the certificate of occupancy to ensure compliance with the Subsection.

11-713.07. Tree Protection

- A. Purpose. Existing trees, because of the beneficial qualities and natural beauty they add to the community, shall be retained to the maximum extent practicable in any development or for any redevelopment or substantial improvement of an existing property.
- B. Preservation of Significant Stands. Development shall be designed to the maximum extent practicable so that significant stands of trees are preserved and located in designated open spaces or landscape surface areas. See **Article Eight**, *Word Usage and Definitions*, to understand the criteria for a "significant stand" of trees."
- C. Tree Protection during Construction and Development. The following efforts shall be utilized to retain existing trees during construction and development on a site:
1. Parking areas and building sites shall be located to preserve existing trees.
 2. Grates or other pervious surfaces shall be utilized within the dripline (outermost limit of horizontal branch extension) of existing trees to allow water and air to reach the tree roots.
 3. Fill shall be prohibited in areas under the dripline of existing trees.
 4. Drastic changes in drainage patterns which might negatively affect existing trees shall be avoided.
 5. All trees to be retained shall have temporary construction fencing of sufficient size and protective quality at the extreme outer edge of the tree canopy, and shall remain in place throughout the construction period. There shall be no activity of any kind inside the perimeter. No land clearing or building permits shall be issued until the perimeter of all trees and tree stands have been properly fenced.

~~15-613.05. Surety~~

- ~~A. **Surety Required.** The applicant shall submit the bid for the landscape plan for review by the City. A bond, landscape contractor guarantee, or other acceptable surety equal to 120 percent of the cost of implementing the landscape plan shall be provided to ensure proper installation and maintenance of the landscaping for a period of two years from the date of installation.~~
- ~~B. **Replacement Required.** The applicant shall warrant all landscaping materials for a period of two years after installation. All plant materials that die within two years from the date of installation shall be replaced by the applicant. If the applicant fails to replace the plant materials, the City may use the performance guarantee to replace dead materials. For all required landscaping on individual residential lots, the developer shall convey a two-year warranty to the purchaser at the time of closing.~~
- ~~C. **Return or Release of Surety.** The City shall return or release the surety after the two-year period is expired upon request of the applicant and demonstration that the landscaping that is protected by the guarantee is established and in good condition.~~

~~Sec. 15-614 General Requirements~~

~~15-614.01. Plant Materials~~

- A. ~~Approved Landscape Plants.~~ Only approved plant materials count towards the landscape requirements of this Subsection, as set out in Appendix B, *Plant List*.
- B. ~~Allowed Landscape Plants.~~ Plants that are not listed on the approved plant list or the prohibited plant list may be allowed if the applicant seeks and is granted by the Planning Commission an amendment to the approved plant list. Plants may be added to the list if it is demonstrated by credible evidence that the species:
1. ~~Is not on any of the following lists:~~
 - a. ~~The Nebraska State Noxious Weed List, U.S. Department of Agriculture; or~~
 - b. ~~The prohibited plant list; and~~
 2. ~~Is either native to the region or not invasive; and~~
 3. ~~Provides habitat for native wildlife or migratory birds.~~
- C. ~~Prohibited Plants.~~ Plant species that are listed in Appendix A, *Plant List* as prohibited plants are not allowed and may not be sought for addition to the approved plant list.
- D. ~~Minimum Size of Plants at Installation.~~ Plant material shall be of the sizes set out in Table 15-614.01., *Minimum Size of Plants at Installation*.

Table 15-614.01. Minimum Size of Plants at Installation	
Type of Plant Material	Minimum Size at Installation
Large Tree	2.5" caliper
Small Tree	2" caliper
Evergreen Tree	6'-in height
Shrub	5-gallon container

~~15-614.02}~~ 11-713.08. Land Clearing

- A. **Determination of Land Clearing.** A determination of land clearing is predicated on a finding by the Director of any of the following:
1. Removal of five (5) or more trees per ~~platted~~ lot or tract, in any one (1) year period, for which the trees have a diameter of ~~six (6) three and one-half (3.5)~~ inches or greater, measured ~~24 inches~~ as a diameter at breast height (DBH), four and one-half (4.5) feet above grade; or
 2. Removal of a significant stand of trees.
- B. **Land Clearing Prohibited.** Sites that include significant stands of trees shall not, in any case or under any circumstance, be clear cut in preparation for development. Instead, trees shall be removed and a land clearing or tree removal permit issued only if in the determination of the Director ~~by in consultation with the Parks Director and Director of Public Works, as applicable~~:
1. They are a prohibited species as set out in **Appendix B, Plant Lists**;
 2. They are unhealthy or structurally unsound and pose a safety hazard to buildings, pedestrians, or vehicular traffic or threaten to cause disruption of public services;

3. They are weakened by age, storm, fire, disease, or insects;
 4. They are within five (5) feet of an approved building footprint or a paved area of an approved street or parking area or an area required for site grading, surface water drainage, and/or utility installations;
 5. They are within five (5) feet of a utility easement and would interfere with the use of the easement as determined by the Utilities Director; or
 6. They are necessary to remove to observe good tree maintenance practices which will strengthen and protect other existing trees.
- C. **Land Clearing or Tree Removal Permit Required.** Any land clearing or tree removal in preparation of development or the redevelopment or substantial improvement of an existing property within the City shall require a permit as set out in Section 15-710, Permits and Procedures. A land clearing and tree removal permit may be issued for the removal of trees that qualify under Subsection B., above, if it is demonstrated that:
1. No reasonable alternative site design at the same density and intensity could be approved that:
 - a. Would preserve a significant stand of trees; or
 - b. If large-scale preservation is not possible, would preserve the largest number of trees; or
 - c. If protection of the largest number of trees is not possible, would preserve a greater number of trees than the proposed development design.
 2. Relocation of the trees to another location on-site or within the City is not practical or economically feasible; and
 3. The trees are replaced with the number of new trees for which credit would be given if the trees were preserved. See Subsection 15-614.04., Credit for Existing Trees.
- D. **Pre-clearing or Removal Inspection Required.** The applicant issued a land clearing or tree removal permit shall notify the Director in writing at least twenty-four (24) hours prior to any land clearing or tree removal activity. The Director, or an appointee, shall inspect the ~~clearing or removal~~ site prior to the start of clearing or removal to ensure that the significant stands of trees are identified as indicated in the land clearing and tree removal permit application.
- E. **Penalty.** A penalty may be assessed for failure to comply with the provisions of this Subsection as set out in Subsection 15-733.02., Violations.
- F. **Tree Removal for Municipal Projects.** To the maximum ~~practicable~~ extent practicable, the City shall design construction projects that will avoid damage or require the clearing or removal of trees. The Director and Director of Public Works shall decide if construction activity will cause severe damage to the trees and determine the need for their clearing or removal. If a significant stand is cleared from a public right-of-way, or easement, an appropriate species of tree shall be replaced ~~on or off site,~~ with the number of new trees for which credit would be given if the trees were preserved. See Subsection 15-614.04., Credit for Existing Trees. ~~The City shall not pay monetary compensation for the loss of trees unless the project is part of a State or Federal project that allows for the appropriate agency to provide such compensation.~~

15-614.03. Tree Protection

- ~~A. **Purpose.** Existing trees, because of the beneficial qualities and natural beauty they add to the community, shall be retained to the maximum extent practicable in any development or for any redevelopment or substantial improvement of an existing property.~~

- ~~B. **Preservation of Significant Stands.** Development shall be designed to the maximum extent practicable so that significant stands of trees are preserved and located in designated open spaces or landscape surface areas. See Article Eight, *Word Usage and Definitions*, to understand the criteria for a "significant stand" of trees."~~
- ~~C. **Tree Protection during Construction and Development.** The following efforts shall be utilized to retain existing trees during construction and development on a site:~~
- ~~1. Parking areas and building sites shall be located to preserve existing trees.~~
 - ~~2. Grates or other pervious surfaces shall be utilized within the dripline (outermost limit of horizontal branch extension) of existing trees to allow water and air to reach the tree roots.~~
 - ~~3. Fill shall be prohibited in areas under the dripline of existing trees.~~
 - ~~4. Drastic changes in drainage patterns which might negatively affect existing trees shall be avoided.~~
 - ~~5. All trees to be retained shall have perimeter fencing at the extreme outer edge of the tree canopy. The fencing shall be flagged with yellow caution tape or yellow pennants, and shall remain in place throughout the construction period. There shall be no activity of any kind inside the perimeter. No land clearing or building permits shall be issued until the perimeter of all tree stands have been properly fenced.~~

15-614.04. Credit for Existing Trees

- ~~A. **Generally.** Where there is significant existing vegetation on site, the Director, or an appointee, may require an inventory of plant material. Land clearing and removal of existing, healthy trees shall not be removed unless the Director determines that no other option is available as set out in Section 15-614, *General Requirements*. Existing trees qualify for credit as per the allowances of this Subsection.~~
- ~~B. **Quality of Existing Trees.** Existing trees that are protected according to Section 15-614, *General Requirements* and Section 15-613, *Landscape Plan, Installation, and Maintenance*, count towards the planting requirements of this Subsection, provided that they are either on the approved plant list, or established for at least five years and not on the prohibited plant list, as set out in Appendix B, *Plant List*.~~
- ~~C. **Credit for Preservation of Trees.** Healthy, mature trees that are preserved on site shall count as more than one tree for the purposes of the landscaping requirements, as set out in Table 15-614.04., *Credit for Preservation of Trees*.~~

Table 15-614.04.

Credit for Preservation of Trees

Preserved Healthy Tree Unit of Measurement (use whichever one produces the most credit)		Credit
Diameter at Breast Height	Tree Height	
At least 3.5 inches, but less than 5 inches	At least 10 ft., but less than 15 ft.	1 tree
At least 5 inches, but less than 9 inches	At least 15 ft., but less than 24 ft.	2 trees
At least 9 inches, but less than 12 inches	At least 24 ft., but less than 32 ft.	3 trees
At least 12 inches, but less than 16 inches	At least 32 ft., but less than 40 ft.	4 trees

Table 15-614.04. Credit for Preservation of Trees		
16 inches or more	40 ft. or more	5 trees

- ~~E. **Application of Tree Preservation Credit.** The tree preservation credit is applied towards the requirements for the area in which the tree is planted. If there are no requirements for that area, the credit applies in the following order of descending priority:~~
- ~~4. Lot and site landscaping requirements;~~
 - ~~5. Parking lot landscaping requirements; and~~
 - ~~6. Bufferyard requirements, provided that the tree is located between the bufferyard to which the credit applies and the building or use that is being buffered.]~~

~~[Sec. 15-615]~~ **§11-714 [Development] Landscaping**

~~[15-615]~~ **11-714.01. Lot Landscaping**

- A. **Generally.** Single-family ~~[detached, duplex, and single family]~~ attached, **single-family detached, and HUD code manufactured housing** residential lots ~~[in new neighborhoods]~~ shall be surrounded by yard areas. These yard areas count towards the coverage ratio requirements set out in **Table 15-402.01., Residential Development Standards.**
- B. **Planting Location.** Any plants in excess of the minimum required plants may be installed in any location on the lot provided there is adequate room for healthy growth and stability. Required plants shall be installed as follows:
- Front Yards.** Front yards shall be planted as follows:
 - One **(1)** large tree, if the abutting rights-of-way are planted with street trees within **fifteen (15)** feet of the front property line; or
 - One **(1)** large tree for the first **fifty (50)** feet of frontage and one **(1)** large tree for each additional **twenty-five (25)** feet of frontage, if the abutting rights-of-way are not planted with street trees within **fifteen (15)** feet of the front property line.
 - Rear Yards.** All rear yards shall be planted with at least one **(1)** tree ~~[, which may be large, small, or an evergreen].~~
- C. **Substitution of Trees.** Small trees may be substituted for large trees if the dimensions of the lot are such that the canopy trees would not have room to grow to a full canopy without conflicting with buildings or each other. For the purposes of this substitution, one **(1)** large tree equals two **(2)** small trees.
- D. **Ground Covers and Sod.** Areas of residential lots that are not covered by buildings, driveways, or other hard surfaces shall be sodded or planted with permitted ground covers, unless they are covered by woodlands or other natural areas.

~~[15-615]~~ **11-714.02. Site Landscaping**

Commented [AT4]: Is there another kind?

- A. **Generally.** Nonresidential, mixed-use, and multi-family buildings shall be surrounded by landscape surface areas (see [Table 15-404.01.01, Nonresidential and Mixed Use Standards](#) for the minimum landscape surface ratios for each district), as set out in [Table 15-615.02., Site Landscaping Requirements](#).

Table (15-615) 11-714.02.			
Site Landscaping Requirements			
District(s)	Minimum Radius Around Building(s)		
	Front and Street Side	Side	Rear
SC, BP, (PUSC) CU, PO, PD	8' ¹	6' ¹	
GC, LI, GIL GI	6'	3'	
DC	3' ²	0'	
TABLE NOTES: Where planting areas are required, they may be crossed with sidewalks to provide access to the building or buildings. ¹ This applies to public, institutional, and nonresidential buildings in a TND. ² In this district, the required front landscaping may be met with tree wells, planters, and landscaped plazas.			

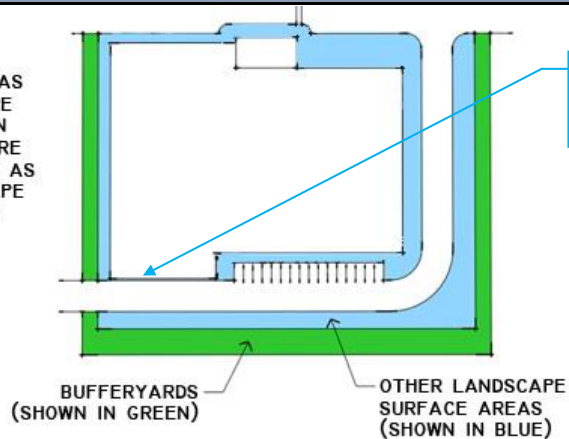
Commented [AT5]: Maintenance responsibility?

- B. **Planting Location.** The planting areas are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with a service window, but shall be installed adjacent to the building foundation and between the parking and vehicular use areas and the property line under all other conditions, as illustrated in [Figure 15-615.02., Site Landscape Planting Areas](#).

Figure ~~15-615~~ 11-714.02.

Site Landscape Planting Areas

NOTE:
ALL AREAS
THAT ARE
SHOWN IN
COLOR ARE
COUNTED AS
LANDSCAPE
SURFACE
AREAS.



Nonconforming except for
loading bays, service bays, or
drive-through.

C. **Planting Requirements.** The required planting area shall be planted as follows:

1. *Front and Street Side.* One (1) large or three (3) small trees shall be planted within the front and street side planting areas for each thirty (30) linear feet measured parallel to the building, or portion thereof. A continuous row of shrubs shall be planted along thirty (30) percent of the linear distance measured parallel to front and street side property lines, adjacent to street rights-of-way, spaced in intervals of not more than five (5) feet between the primary shrub trunk or from the center of the root ball, as applicable, or the shrubs may be designed in groupings, if an equal or a greater number of plants are used. Ornamental grasses may be used to meet up to twenty-five (25) percent of the shrubbery requirement. All remaining ground surface areas shall be ~~be~~ groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings. As approved by the Planning Commission, wet ponds with fountains, vegetated rain gardens, naturalized wetlands, and/or xeriscape gardens may be used in lieu of or together with the required shrubbery and groundcover. Sculptures, monuments, and other public art installations are encouraged, subject to approval of the Planning Commission, but shall not be construed to satisfy any landscaping requirement described herein.
2. *Side.* Small trees shall be planted with a maximum spacing of fifteen (15) feet between the primary tree trunk or from the center of the root ball, as applicable, which may also be designed in groupings if an equal or a greater number of trees are used. All remaining ground surface areas shall be ~~be~~ groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.
3. *Rear.* A rear planting area that is adjacent to a drive-through lane or a parking lot with a parking module width of forty (40) feet or more shall meet the requirements of Subsection C.2, above. All other rear planting and ground surface areas shall be ~~be~~ groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.

Commented [AT6]: If the front and street side landscaping requirement is $\leq 8'$, a large tree may not survive depending on the critical root zone of the species.

4. *Substitution.* Small trees may be substituted for large trees in areas where there is insufficient room for the healthy growth and stability of the tree at a rate of two (2) small trees for every one (1) large tree required. Small trees may be substituted for shrubs in areas where there is sufficient room for the healthy growth and stability of the tree at a rate of ~~four shrubs per~~ one (1) small tree for every four (4) shrubs required.

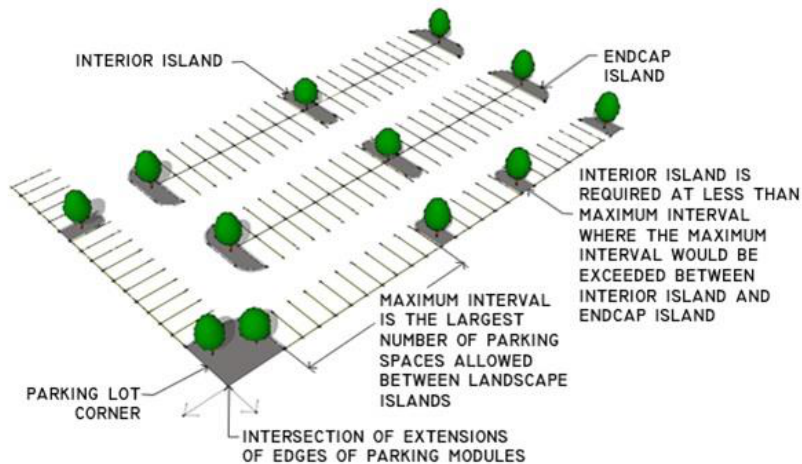
~~[15-615]~~ **11-714.03. Parking Lot Landscaping**

- A. **Generally.** Parking lot landscaping is required within and around parking lots that contain more than five (5) parking spaces ~~excluding those for single- and two-family dwellings~~.
- B. **Parking Lot Landscape Areas.** As illustrated in **Figure** 15-615.03., *Parking Lot Landscape Areas*, landscaping is required in all of the following areas:
1. At the ends of parking aisles, planted in islands that are not less than nine (9) feet ~~wide~~ in width and eighteen (18) feet in length for a single row of stalls, or thirty-six (36) feet ~~long~~ in length for a double row of stalls, with ~~ten~~ ten-foot curb radii on the side that faces outward from the parking aisle.
 2. In the middle of parking rows at intervals required by Subsection ~~8.3.C~~, below, planted in interior islands that are not less than nine (9) feet ~~wide~~ in width and eighteen (18) feet in length for a single row of stalls, or thirty-six (36) feet ~~long~~ in length for a double row of stalls, with five-foot curb radii at both ends.
 3. At the corners of parking lots, planted in corner islands, which is the area defined by the extension of the edges of intersecting parking modules.
 4. Between parking lots and abutting properties and the parking lot(s) of the abutting properties, unless:
 - a. The area between the parking lot and the abutting property is occupied by a building; or
 - b. Another type of bufferyard is required (e.g., a district bufferyard or a bufferyard required for a conditional or limited use) and the other required bufferyard provides screening between a height of zero (0) and three (3) feet above grade.
 5. Between parking lots and streets, except in areas where:
 - a. The elevation of the parking lot is at least three (3) feet below the crown of the street; or
 - b. The area between the parking lot and the street is occupied by a building or access point to the ~~parcel~~ lot or tract proposed for development; or
 - c. Another type of bufferyard is provided along the street that includes buffering between a height of zero (0) and three (3) feet above grade.

Commented [AT7]: One- and Two-Family dwellings don't have parking lots.

Figure ~~{15-615}~~11-714.03.

Parking Lot Landscape Areas



- C. **Planting Requirements.** Parking lot landscape islands shall be provided at an interval of one (1) island for ~~each~~every twenty (20) parking spaces, or fraction thereof, planted as follows:
1. Each interior and endcap island shall be planted with a minimum of:
 - a. One (1) large tree or two (2) small trees; and
 - b. Groundcover, which may be sod, ornamental grasses, mulch, or perennial or seasonal plantings, or shrubs planted at intervals of not more than five (5) feet between the primary shrub trunk or from the center of the root ball, as applicable, with the remaining area in groundcover.
 2. Each parking lot corner shall be planted with two (2) large trees or five (5) small trees.
- D. **Protection of Planting Areas.** Planting areas shall be protected by wheel stops or six-inch curbs. Curbs may be punctuated to allow for stormwater flows into biological treatment areas, as applicable, pursuant to an approved drainage plan, provided that the punctuations do not interfere with their protective function.

~~{15-615}~~11-714.04. Street Trees in Certain Locations

- A. **Generally.** Street trees shall be planted according to the standards of Subsection B., below, in the following circumstances:
1. Along street rights-of-way in the Suburban Commercial (SC) and Business Park districts (except where the street is an existing street without room for the installation of street trees); and

2. Along both sides of new streets in planned ~~land-traditional-neighborhood~~ developments (see [Table 15-402.01](#), *Residential Development Standards*).
- B. **Spacing.** Street trees shall be spaced [sixty \(60\)](#) feet on center in street tree lawns, but shall not be installed in locations that interfere with required sight triangles (see [Subsection 15-513.08](#), *Sight Distance Requirements*). Special plantings may be clustered if it is demonstrated that the cluster arrangement will not negatively affect the long-term health of the clustered trees.
- C. **Tree Selection.** All trees planted within parkways shall be large trees with single-stemmed trunks, branched no lower than six [\(6\)](#) feet above median grade (for visibility purposes).
- D. **Substitution of Large Trees.** Small trees may be substituted for large trees in locations where building setbacks or build-to lines would create conflicts between buildings and large trees, or where overhead utilities require trees with a mature height that is less than the elevation of the power lines. However, if such substitutions are made, then:
 1. Small trees shall be:
 - a. Clustered in groups of three [\(3\)](#); or
 - b. Spaced at intervals of [twenty \(20\)](#) feet on center.
 2. If used, small trees shall be selected which will fit within the street tree lawn without interfering with the street or sidewalk right-of-way.

~~Sec. 15-616~~ [§11-715](#) Bufferyards

~~15-616~~ [11-715.01](#). Bufferyard Types

- A. **Generally.** Bufferyards are based on the amount of screening they provide, which are classified from less screening (Type A) to more screening (Type D).
- B. **Bufferyard Types.** There are four [\(4\)](#) types of bufferyards, each of which vary in width and the numbers and types of plants required per [one hundred \(100\)](#) linear feet, or portion thereof. The minimum planting requirements for each type and composition of bufferyard are set out in [Table 15-616.01](#), *Bufferyard Classifications*, except that bufferyards for corridors is set out in [Subsection 15-616.04](#), *Corridor Bufferyards*.
- C. **Composition of Bufferyards.** Bufferyards may be classified as:
 1. Structural bufferyards, which include the use of a wall or a fence to achieve the required level of screening; and
 2. Natural bufferyards, which include the use of an earthen berm and a higher density of plant materials to achieve the required level of screening.
- D. **Bufferyard Locations.** Bufferyards are required in three [\(3\)](#) locations:
 1. Between districts and between ~~mixed~~ [residential and nonresidential](#) uses within a ~~traditional neighborhood development~~ [particular district](#);
 2. Along street and railroad rights-of-way; and
 3. Around parking and vehicular use areas.

Table ~~(15-616)~~ 11-715.01.

Bufferyard Classifications

Type	Width	Required Plantings per 100 Linear Feet (Structural/Natural)				Height of Berm, Wall or Fence ¹
		Large Trees	Evergreen Trees	Small Trees	Shrubs	
Type A	5'	1 / 2	1 / 1	1 / 1	10 / 15	-
Type B	10'	2 / 3	2 / 2	2 / 1	20 / 20	-
Type C	25'	3 / 6	3 / 3	3 / 4	30 / 30	3'
Type D	40'	3 / 6	3 / 5	3 / 7	30 / 30	6'

TABLE NOTE:

¹ A berm, wall, or fence is not required for naturalized buffers.

E. Use of Bufferyards in Certain Locations.

1. *Between Districts.* Structural bufferyards are the preferred composition along a district boundary that is not a street, or where there is a specific privacy or security need that requires a wall or fence.
2. *Between ~~(Mixed)~~ Residential and Nonresidential Uses.* Structural or natural bufferyards may be used between ~~(mixed)~~ residential and nonresidential uses within a ~~(traditional neighborhood development)~~ particular district, depending on the use types and intensities and the desired compatibility, privacy, and/or security.
3. *Along Street Rights-of-Way.*
 - a. Natural bufferyards are the preferred composition along collector and arterial streets.
 - b. For multi-family and ~~(attached)~~ single-family attached development, the rear walls of detached garages that are located at the perimeter of vehicular use areas may be used as a bufferyard structure (in lieu of a wall or fence) along arterial streets, provided that:
 1. The garage building(s) are set back a distance at least equal to the required width of the bufferyard, and if set back further, the area between the garage and the required bufferyard boundary is landscaped with a Type A bufferyard;
 2. The wall is not taller than six (6) feet from the adjacent grade to the underside of the eave; and
 3. The garage has a pitched roof that slopes down towards the street and the height of the garage building is not greater than sixteen ~~(14)~~ 16 feet to the peak of the roof.

~~(15-616)~~ 11-715.02. District Bufferyard Standards

- A. **Generally.** Set out in Table 15-616.02., *District Bufferyard Standards*, is the classification of bufferyards that is required between districts that are not separated by a public street.
- B. **Interpretation of Table.** The table is a matrix in which all districts are shown. Rows show the zoning of the ~~(parcel)~~ lot or tract proposed for development, and columns show the zoning of the adjoining

land. Two (2) letters are shown for each condition. The bufferyard required for the proposed use is listed first. The letter listed second is the buffer that is required on the adjoining property. Where “-” is found there is no bufferyard required.

Table ~~(15-616)~~ 11-715.02.

District Bufferyard Standards

Zoning of Parcel Proposed for Development	Zoning of Adjoining District									
	P{U}O	{AG,R}R	SR,AR	{NC,GR}UR	{HR,UR}MH	SC	BP{L}H	GC,U	DC	GI
P{U}O	- / -	A / -	B / -	C / -	A / B	B / A	- / B	- / A	A / A	- / C
{AG,R}R	- / A	- / -	- / A	- / A	- / B	- / B	A / C	A / C	- / -	- / C
SR,AR	- / B	A / -	- / -	A / B	A / B	A / A	A / C	A / D	A / B	A / D
{NC,GR}UR	- / C	A / -	B / A	- / -	A / B	A / A	A / C	A / C	A / B	A / D
{HR,UR}MH	B / A	B / -	B / A	B / A	- / -	A / B	A / C	A / C	A / A	A / D
SC	A / B	B / -	A / A	A / A	B / A	- / -	- / B	A / B	A / A	A / D
BP{L}H	B / -	C / A	C / A	C / A	C / A	B / -	- / -	B / A	C / A	- / A
GC,U	A / -	C / A	D / A	C / A	C / A	B / A	A / B	- / -	- / -	A / C
DC	A / A	- / -	B / A	B / A	A / A	A / A	A / C	- / -	- / -	A / C
GI	C / -	C / -	D / A	D / A	D / A	D / A	A / -	C / A	C / A	- / -

- C. **Existing Adjacent Development without Bufferyards.** Where the adjoining property is an existing single-family ~~{detached, two-family, or single-family}~~ attached, single-family detached, or HUD code manufactured housing residential property or neighborhood that does not have the required bufferyard, the proposed multi-family, mixed use, or nonresidential development shall provide a bufferyard of the next higher classification than the greater screening of the two (2) bufferyards required (e.g., if the requirement is C/A, then the screening of the parcel proposed for development must install a Type D bufferyard).
- D. **Relationship to Other Bufferyard Requirements.** Some limited or conditional uses have different requirements for bufferyards, as specified in Section 15-304, Limited and Conditional Uses. If bufferyards are required by another section of this ~~{UDO}UDC~~ along property boundaries that are also district boundaries, then the greater bufferyard requirement shall supersede the lesser one (only one (1) bufferyard is required).
- ~~E. **Buffering Existing Residential Development.** New residential development is required to provide an increase in the level of screening of a bufferyard (e.g., from Type A to Type B) when adjacent to an existing single-family detached, two-family, or single-family attached residential property or development, if:~~

1. ~~The lot widths of the new development are less than 80 percent of the lot widths of the nearest lots of the existing development;~~
2. ~~The building height(s) of the new development is (are) more than eight feet taller than the building height(s) of the existing property or development; or~~
3. ~~The housing type that is located on the lots that abut the existing development is more dense than the housing type of the existing development (e.g., new townhome lots abutting existing single-family detached lots).}~~

~~[15-616]~~ **11-715.03. Credits for Existing Buffer Treatments**

- A. **Generally.** Existing trees, fences, and walls may be counted towards the bufferyard requirements, provided that the trees are in good health and the fences or walls are structurally sound, in good repair, and of an upright condition.
- B. **Existing Landscaping Credit.** Credit shall be given for existing trees that are located within bufferyards according to the standards of **Subsection 15-614.04., Credit for Existing Trees.**
- C. **Existing Fences and Walls.** If a fence or wall is the preferred bufferyard and there is already a fence or wall on the property line, then the City may waive the fence or wall requirement, provided:
 1. The Director, or an appointee, verifies that the existing fence or wall is structurally sound, in good repair, and of an upright condition;
 2. The height and level of screening of the fence or wall meets the intent of this Subsection with regard to buffering;
 3. The applicant records an agreement with the City that includes appropriate assurances that if the existing fence or wall deteriorates, or is damaged, destroyed, or removed, the applicant will cause it to be repaired or replaced with a fence or wall that meets the bufferyard standards of this Subsection, as well as the requirements and standards of **Subsection 15-414.01., Fences and Walls** or **Subsection 15-415.02., Fences and Walls**, as applicable; and
 4. The applicant's final plat or, if no plat is required, development approval, includes an annotation regarding the applicant's responsibilities under the agreement required by Subsection C.3., above.

~~[15-616]~~ **11-715.04. Corridor Bufferyards**

- A. **Generally.** Set out in **Table 15-616.04., Bufferyard Requirements for Corridors**, is the bufferyard standards of any development adjacent to arterial, collector, and local streets (for bufferyard types, see **Table 15-616.01., Bufferyard Classifications**).

Table [15-616] 11-715.04. Bufferyard Requirements for Corridors			
Zoning of Proposed Development	Adjoining Corridor Rights-of-Way		
	Arterial	Collector	Local
P[U]O	B	B	C
[AG, R]R	B ¹	A ¹	N/A

Table ~~{15-616}~~ 11-715.04.

Bufferyard Requirements for Corridors

Zoning of Proposed Development	Adjoining Corridor Rights-of-Way		
	Arterial	Collector	Local
SR, AR	B ²	A ²	A
{GR} UR	B ²	A ²	A
{HR, UR} MH	B	B	A
{AG}	B	A	A
SC	B	A	A
BP, {LH}	C	B	A
GC, LI	B	A	A
DC	A	N/A	N/A
GI	D	C	C

TABLE NOTES:

¹ No bufferyard is required for agricultural or forestry uses. Estate development shall meet the requirements for this district.

² Single-family cluster and planned development shall provide a Type C bufferyard along arterials and a Type B bufferyard along collectors.

³ No buffer is required. Where a residential district or use with no bufferyard is across the railroad right-of-way, a Type C buffer is required.

- B. **Existing Landscaping Credit.** Credit shall be given for existing trees that are located within the corridor bufferyard according to the standards of **Subsection 15-614.04., Credit for Existing Trees.**
- C. **Relationship to Other Bufferyard Requirements.** Some limited or conditional uses have different requirements for corridor bufferyards, as specified in **Section 15-304, Limited and Conditional Uses.** If bufferyards are required by another section of this ~~{UDO}~~UDC along corridor rights-of-way, then the greater bufferyard requirement shall supersede the lesser one (only one **(1)** bufferyard is required) ~~{in which case both are not required}.~~

~~{15-616}~~ 11-715.05. Constrained Bufferyards

~~A. {Generally.}~~ In addition to the other requirements of this Subsection, the following rules apply to the installation of plants.

1. Distance from Utilities.

- No trees shall be planted under or within **ten (10)** lateral feet of any overhead utility lines.
- No trees, except street tree species that are approved by the Director of Public Works, shall be planted over or within five **(5)** lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the easement.

2. *Sight Distance Triangles.* Trees shall not be installed in locations where there is a substantial likelihood that the mature form of the tree may be compromised in order to maintain sight distance triangles. See **Subsection 15-513.08.**, Sight Distance Requirements.

~~[Sec. 15-617]~~ **§11-716 Screening**

Commented [AT8]: Previously relocated from 15-413.03.

11-716.01. Generally.

The purpose of this section is to provide for visual shielding or obscuring of an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

11-716.02. Refuse Containers.

- A. Generally. Dumpsters and community recycling bins may be provided for single-family attached residential development. Dumpsters shall be provided for multifamily residential, nonresidential, and mixed use development for solid waste collection services. Such dumpsters and community recycling bins are subject to the standards of this Section.
- B. Standards for Dumpsters.
1. The facilities shall be located no more than three hundred (300) feet (walking distance) from the individual uses that they are intended to serve;
 2. Access to the facilities shall be configured to meet the requirements of the refuse hauler and approved by the City. Access shall be provided from an alley if an alley exists;
 3. The areas where dumpsters are stored shall be fully enclosed by an opaque wall with a minimum height of six (6) feet constructed of brick, stone, or stucco-finished concrete block to match the principal building;
 4. The enclosure(s) shall:
 - a. Have opaque metal service gates which remain closed at all times except when the dumpster is being serviced;
 - b. Include separate, opaque metal pedestrian access gates or a pedestrian access opening that screens the dumpster from view;
 - c. Be large enough to accommodate:
 1. One (1) or more dumpsters that are of sufficient size to serve the development, based on the frequency of solid waste collection; and
 2. One (1) or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection.
 - d. Provide for adequate access, turning radii, and maneuvering space to accommodate the refuse trucks, subject to approval of the Director;
 5. The facilities shall be located in a side or rear yard of the lot or tract proposed for development, unless it is not possible to provide service access in such locations; and
 6. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designated and constructed with the same cladding materials used for the principal building walls.
- C. Standards for Community Recycling Bins.

1. Community recycling bins may be made available for use by the general public;
2. Community recycling bins may be located:
 - a. In loading or service areas that are at least fifty (50) feet from property lines or screened from public view and abutting uses by a six (6) foot tall masonry wall (which may be a part of a bufferyard); or
 - b. In a dumpster enclosure (see Subsection B, above);
3. Community recycling bins shall be constructed of a durable waterproof and rustproof material;
4. Community recycling bins shall be clearly marked to identify the type of material to be deposited and the identity, address, and phone number of the operator; and
5. Community recycling bins shall be maintained at all times in a clean, litter-free condition.

§11-717 Open Space

~~[15-617.01, Delineation of Open Space]~~

- A. **Generally.** All boundaries of open space, whether for resource protection or other purposes, shall be identified as out-lots on a site plan with specific identification. Open spaces that are delineated in order to protect natural resources or to be otherwise left in a natural state shall have their boundaries with lots or rights-of-way identified with signs, which shall be approved with the subdivision plat or site plan.
- B. **Identification of Open Space Area.** The sign shall identify the open space area, the entity dedicating or preserving the area, and the date the area was designated for preservation.

~~[Sec. 15-6]~~ §11-718 Reserved to ~~[Sec. 15-6]~~ §11-719

Fiscal Impact: N/A